

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**



Committee of the Whole 6:30 P.M.  
Stated Meeting 7:00 P.M.

TIME: \_\_\_\_\_

PRESENT:           PRESIDENT OF THE COUNCIL  
                          MIKE KHADER

DISTRICT:

2	MAJORITY LEADER CORAZON PINEDA-ISAAC
5	MINORITY LEADER MICHAEL B. BREEN

COUNCIL MEMBERS:  
DISTRICT:

1	SHANAE V. WILLIAMS
3	TASHA DIAZ
4	JOHN RUBBO
6	ANTHONY MERANTE

Recitation of the Pledge of Allegiance to the Flag followed by a minute of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on April 27, 2021 approved on motion of Majority Leader Pineda-Isaac.

**AGENDA**  
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**TUESDAY, MAY 11, 2021**  
  
**COMMUNICATIONS FROM CITY OFFICIALS**

**AGENDA**  
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**PUBLIC HEARING**

**CITY OF YONKERS CITY COUNCIL**

**STATE ENVIRONMENTAL QUALITY REVIEW**  
**NOTICE OF COMPLETION OF DRAFT GENERIC EIS/Notice of Public Hearing**  
**LUDLOW TOD PLANNING STUDY**

**March 26, 2021**

The City of Yonkers City Council issues this notice pursuant to Part 617 of the implementing regulations pertain to SEQRA (Article 8 of the Environmental Conservation Law). The Yonkers City Council has completed and accepted a Draft Generic Environmental Impact Statement. This notice has been prepared pursuant to Article 8 of the Environmental Conservation Law.

**Project Title:** Ludlow Transit Oriented Planning Study

**Project Location:** Ludlow Street Corridor  
City of Yonkers  
Westchester County, New York

**SEQRA Type:** Type I Action

**Project Description:** Amend the Yonkers zoning ordinance by the creation of new zoning districts for the Ludlow Street corridor neighborhood and amendment of the zoning map to locate these zone districts.

**Potential Environmental Impacts:**

The proposed action will change the development potential of certain parcels within the study area, will increase permitted heights in some locations and may have impacts upon existing buildings and site in the community as well as potential impacts to traffic and other infrastructure systems.

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The Draft Generic EIS is available on line at  
**<https://www.yonkersny.gov/government/departments/city-clerk/city-council-documents>**

A public hearing will be held via virtual meeting on May 11, 2021 at 6:00 PM.  
Access to the public hearing can be found at. **<https://www.yonkersny.gov/home>**  
**<https://www.yonkersny.gov/services/virtual-public-meetings>**

**Comments will be accepted by the Lead Agency until 4:30 PM on May 27, 2021 and should be directed to the contact person Lee Ellman via mail or email.**

**For Further Information**

**Contact Person:**     Lee J. Ellman, AICP  
Deputy Planning Commissioner  
City of Yonkers Planning Bureau  
87 Nepperhan Avenue, Suite 320  
Yonkers, New York 10701  
(914) 377.6558  
FAX (914) 377.6552  
**[Lee.ellman@yonkersny.gov](mailto:Lee.ellman@yonkersny.gov)**

**A Copy Of This Notice Sent To:**

**Mayor Mike Spano**

**City Council of the City of Yonkers NY**

**All involved and interested agencies**

**Environmental Notice Bulletin**

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**COMMUNICATIONS - GENERALLY**



**AGENDA**  
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**COMMITTEE OF THE WHOLE**

**AGENDA**  
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**GENERAL ORDINANCE**

1. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

A GENERAL ORDINANCE AMENDING CHAPTER 95 OF CODE OF THE CITY OF YONKERS IN RELATION TO PROVIDING A WATER REBATE FOR PARTICIPATING IN THE 2021 LEAD & COPPER STUDY

The City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Chapter 95 of the Code of the City of Yonkers entitled "Water Supply" is hereby amended in part, by amending Section 95-2 entitled "Water Rates; bills" to read as follows:

§ 95-2. Water Rates; bills

- A. The following water rates are to be used in computing the water rates in the City of Yonkers for each half of the year:
1. First 1,000,000 cubic feet at \$4.04 per 100 cubic feet.
  2. Over 1,000,000 cubic feet at \$4.04 per 100 cubic feet.
- B. All accounts shall be billed semiannually with a minimum semiannual charge of \$101.47 covering an allowance of 2,500 cubic feet. In addition, any account with a noncompliant water meter will be assessed \$500 per billing cycle. For the purpose of billing for payment of the rates herein, bills for payment for any semiannual period may be prepared based upon estimated quantities.
- C. All accounts eligible to and that participate in the City of Yonkers 2021 ~~2018~~ Lead & Copper Study shall receive a one-time rebate of \$100 ~~\$50~~ on the next bill cycle after notification of completion.

Section 2. This ordinance shall take effect immediately.

**INTRODUCER'S MEMORANDUM  
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

**SPONSOR:** Department of Public Works

**TITLE OF BILL:**

A GENERAL ORDINANCE AMENDING CHAPTER 95 OF CODE OF THE CITY OF YONKERS IN RELATION TO PROVIDING FOR AN INCREASE IN WATER RENTS

**PURPOSE:** To provide a one-time \$100 rebate on the next water bill cycle after completion of the study.

**SUMMARY OF SPECIFIC PROVISIONS:** All accounts eligible to and that participate in the City of Yonkers 2021 Lead & Copper Study shall receive a one-time rebate of \$100 on the next bill cycle after notification of completion.

**JUSTIFICATION:** To provide an incentive for participation in the EPA's mandated Lead & Copper rule to collect a minimum of 50, 1<sup>st</sup> drawn water samples between June 1 and September 30, 2021, from Tier 1 households (single or multi-family homes served by a Lead Service Line, that contain household lead pipes or lead solder in homes built between 1982-1986).

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** Rebate to water bill.

**CRIMINAL SANCTION IMPACT:** no impact.

**LEGISLATIVE HISTORY:** Amended 6-28-2002 by G.O. No. 2-2002; 8-12-2004 by G.O. No. 4-2004; 6-10-2008 by G.O. 4-2008; 6-20-2009 by G.O. No. 5-2009; 7-14-2010 by G.O. No. 3-2010; 6-23-2011 by G.O. No. 1-2011; 6-7-2012 by G.O. No. 5-2012; 6-30-2012 by G.O. No. 16-2012; 5-31-2013 by G.O. No. 4-2013; 6-10-2014 by G.O. No. 5-2014; 6-30-2015 by G.O. No. 15-2015; 4-26-2016 by G.O. No. 3-2016; 6-1-2017 by G.O. No. 7-2017

**FISCAL IMPLICATIONS:** Neutral

**EFFECTIVE DATE:** Immediately

**SUBJECT:** A GENERAL ORDINANCE AMENDING CHAPTER 95 OF CODE OF THE CITY OF YONKERS IN RELATION TO PROVIDING FOR AN INCREASE IN WATER RENTS.

☒ FISCAL IMPACT PROJECTED (neutral to negative)

**BUDGET IMPACT**

(To be completed by operating department and reviewed by Finance Department)

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

**B) EXPENSES AND REVENUES**

Total Current Year Cost: \_\_\_\_\_

Total Current Year Revenue: \_\_\_\_\_

Source of Funds (Check one): ☐ Current Appropriations ☐ Additional Appropriations ☐  
Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain)

Identify Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses: Annual

Amount: \$ \_\_\_\_\_

Describe: \_\_\_\_\_

Potential Related Revenues: Annual

Amount: \$ \_\_\_\_\_

Current Year: \_\_\_\_\_

Next 5 years: \_\_\_\_\_

Anticipated Savings: Annual

Amount: \$ \_\_\_\_\_

Current Year: \_\_\_\_\_

Next 5 years: \_\_\_\_\_

**C) FISCAL IMPACT:** Positive.

Prepared By: J. Helen Aggrey

Title: 2<sup>nd</sup> Deputy Corporation Counsel

Department: Law

Signature: /s/ J. Helen Aggrey

Reviewed By: FINANCE DEPARTMENT

Signature: /s/ John Liszewski, Commissioner

Date

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**GENERAL ORDINANCE**

2. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

A GENERAL ORDINANCE AMENDING CHAPTER 91 OF THE CODE OF THE CITY OF YONKERS ENTITLED "PRIVATE COLLECTORS"

Be it enacted by the City Council of the City of Yonkers, as follows:

Section 1. Chapter 91 of the Code of the City of Yonkers entitled "Private Collectors", is hereby amended in part, by amending §91-2 to read as follows:

§ 91-2 License fee.

The fee for a license under this article shall be ~~\$125~~ \$300 annually or \$585 for a biannual license for each vehicle used or engaged in the business of collecting garbage and refuse, which fee shall be payable to the Comptroller of the City of Yonkers prior to the issuance of the license.

Section 2. Chapter 91 of the Code of the City of Yonkers entitled "Private Collectors", is hereby amended in part, by amending §91-3 to read as follows:

§ 91-3 Insurance.

Each applicant for a license shall file with the Commissioner of Public Works a policy of liability insurance, with limits of not less than ~~\$25,000/\$50,000 covering injury to persons and of not less than \$5,000~~ \$100,000 covering injury to persons and the minimum amount of \$300,000 for any one accident, and property damage insurance in the minimum amount of \$50,000 covering damage to property, covering each and every vehicle engaged in the collection of garbage and refuse, which policy shall be endorsed to indemnify and save harmless the City of Yonkers from any and all claims for personal injury or property damage arising out of the issuance of a license to engage in the business of collecting garbage and refuse. Each applicant shall also file with the Commissioner of Public Works evidence, in the form of a certificate of insurance, that proper workers' compensation insurance is in force and effect covering each and every person employed by them in the collection of garbage and refuse.

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**GENERAL ORDINANCE (CONTINUED)**

Section 3. This ordinance shall take effect on July 1, 2021 and pursuant to §C4-6 of the Charter of the City of Yonkers.

## **SPONSOR'S MEMORANDUM**

**SPONSOR:** DPW

**TITLE OF BILL:** A GENERAL ORDINANCE AMENDING CHAPTER 91 OF THE CODE OF THE CITY OF YONKERS ENTITLED "PRIVATE COLLECTORS"

**PURPOSE:** To amend the permit fee and insurance requirements of private collector which have been increased from 1974 and 1950 respectively.

**SUMMARY OF SPECIFIC PROVISIONS:** See above.

**JUSTIFICATION:** The rates have not been increased in almost 50 years.

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** Positive. .

**CRIMINAL SANCTION IMPACT:** N/A

**LEGISLATIVE HISTORY:** N/A

**FISCAL IMPLICATIONS:** Positive.

**EFFECTIVE DATE:** This ordinance shall take effect immediately and pursuant to §C4-6 of the Charter of the City of Yonkers.

**SUBJECT: A GENERAL ORDINANCE AMENDING CHAPTER 91 OF THE CODE OF THE CITY OF YONKERS ENTITLED "PRIVATE COLLECTORS"**

NO NEG FISCAL IMPACT PROJECTED

**BUDGET IMPACT**

(Completed by operating department and reviewed by Finance Department or Council Staff)

A) General Fund ☐ Board of Education ☐ Special Revenue fund or District

B) EXPENSES AND REVENUES

*Total Current Year Cost: n/a*

*Total Current Year Revenue: \$0 (season has not started yet)*

*Source of Funds (Check one):* ☐ Current Appropriations ☐ Additional Appropriations ☐

*Transfer of Existing Appropriations* ☒ Fee/Fine/Tax/Other (Explain)

Identify Accounts:

Potential Related Operating Budget Expenses: Annual Amount: \$ \_\_\_\_\_

Describe:

Potential Related Revenues: Annual Amount: \$ \_\_\_\_\_

Current Year:

Next 5 years:

Anticipated Savings: Annual Amount: \$ \_\_\_\_\_

Current Year:

Next 5 years:

C) FISCAL IMPACT

Potential for additional personnel: none

Prepared By: T. Meier

Title: Commissioner

Department: DPW

Signature: T. Meier

Reviewed By: J. Liszewski

FINANCE DEPARTMENT

Signature: J. Liszewski

Date: 3/8/2021

*If you need more space, attach additional sheets.*



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**SPECIAL ORDINANCE**

3. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

A SPECIAL ORDINANCE AUTHORIZING ACCEPTANCE OF FEDERAL EMERGENCY RENTAL ASSISTANCE GRANT PROGRAM FUNDING FROM THE UNITED STATES DEPARTMENT OF TREASURY IN THE AMOUNT OF \$5,943,267 AND AMENDING THE CITY OF YONKERS GRANT BUDGET FOR FISCAL YEAR 2020/2021.

The City of Yonkers hereby ordains and enacts:

Section 1: The United States Department of Treasury has authorized Federal grant funding of \$5,943,267 to the City of Yonkers, acting by and through its Department of Planning & Development, towards the United States Department of Treasury Emergency Rental Assistance Grant Program, which provides funding to urban communities for assistance to eligible households through existing or newly created rental assistance programs. This funding is meant to help low- and moderate-income persons and may be used for up to 12 months of assistance with rent, rental arrears, utilities, home energy costs, home energy arrears, and any other related housing costs incurred due to the pandemic. Expenses before March 13, 2020 are ineligible.

Section 2: The Mayor of the City or his authorized designee is hereby empowered to execute any and all instruments and take such other actions as may be necessary to effectuate the purposes hereof.

Section 3: The City's Grant Budget for fiscal year 2020/2021 is hereby amended by increasing revenues and appropriations for the Department of Planning & Development, as follows:

**Increase Estimated Revenues**

U.S. Department of Treasury	\$5,943,267
Emergency Rental Assistance Grant Program	

**Increase Estimated Expenses**

U.S. Department of Housing and Urban Development	\$5,943,267
Emergency Rental Assistance Grant Program	

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**SPECIAL ORDINANCE (CONTINUED)**

Section 4: The above constitutes a "Type II" action under SEQRA and its implementing regulations, 6 NYCRR Part 617, which constitute an action determined not to have a significant effect on the environment and therefore requiring no further environmental review.

Section 5: This ordinance shall take effect immediately.

**INTRODUCER'S MEMORANDUM  
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

**SPONSOR:** Department of Planning & Development

**TITLE OF BILL:** A Special Ordinance authorizing acceptance of Federal grant funding from the United States Department of Treasury in the amount of \$5,943,267 and amending the City of Yonkers grant budget for fiscal year 2020/2021.

**PURPOSE:** Amend the 2020/2021 grant budget to accept the grant funding.

**SUMMARY OF SPECIFIC PROVISIONS:** Same as above.

**JUSTIFICATION:** required to accept funding.

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** N/A.

**CRIMINAL SANCTION IMPACT:** N/A.

**LEGISLATIVE HISTORY:** N/A

**FISCAL IMPLICATIONS:** Positive

**EFFECTIVE DATE:** Immediate.

**SUBJECT:** A SPECIAL ORDINANCE AUTHORIZING ACCEPTANCE OF  
FEDERAL EMERGENCY RENTAL ASSISTANCE GRANT PROGRAM FUNDING  
FROM THE UNITED STATES DEPARTMENT OF TREASURY IN THE AMOUNT  
OF \$5,943,267 AND AMENDING THE CITY OF YONKERS GRANT BUDGET FOR  
FISCAL YEAR 2020/2021.

☒ NO NEGATIVE FISCAL IMPACT PROJECTED

**BUDGET IMPACT**

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: \_\_\_\_\_

Total Current Year Revenue: \_\_\_\_\_

Source of Funds (Check one): ☐ Current Appropriations ☐ Additional Appropriations ☐

Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain)

Identify Accounts:

Potential Related Operating Budget Expenses: Annual Amount: \$0

Describe:

Potential Related Revenues: Annual Amount: \$0

Current Year:

Next 5 years:

Anticipated Savings: Annual Amount: \$ \_\_\_\_\_

Current Year:

Next 5 years:

C) FISCAL IMPACT

Potential for additional personnel: \_\_\_\_\_

Prepared By: L. Albano

Title: Commissioner

Department: Planning & Development

Signature: /s/ L. Albano

Reviewed By: John Liszewski  
FINANCE DEPARTMENT

Signature: /s/ John Liszewski

Date: , 2021

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**SPECIAL ORDINANCE**

4. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

REFUNDING BOND ORDINANCE OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, ADOPTED MAY 11, 2021, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF THE CITY'S OUTSTANDING \$47,355,000 GENERAL OBLIGATION REFUNDING BONDS-2014A, \$14,430,000 SCHOOL REFUNDING BONDS-2014B AND \$21,355,000 SCHOOL SERIAL BONDS-2014D, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$43,000,000 THEREFOR, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$43,000,000 REFUNDING BONDS TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO

Recitals

WHEREAS, on November 13, 2014, the City of Yonkers, in the County of Westchester, New York (herein called the "City"), heretofore issued its: (a) \$47,355,000 General Obligation Refunding Bonds-2014A (herein called the "2014A Bonds"), now outstanding in the principal amount of \$26,760,000, and (b) \$14,430,000 School Refunding Bonds-2014B (herein called the "2014B Bonds"), now outstanding in the principal amount of \$8,940,000, all of such bonds maturing and bearing interest at the rates and on the dates, and being subject to prior redemption as set forth in each such respective bond;

WHEREAS, on October 29, 2014, the City heretofore issued its \$21,355,000 School Serial Bonds-2014D (herein called the "2014D Bonds"), now outstanding in the principal amount of \$14,640,000; all of such bonds maturing and bearing interest at the rates and on the dates, and being subject to prior redemption as set forth in each such respective bond; and

WHEREAS, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), permits the City to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the City;

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**SPECIAL ORDINANCE (CONTINUED)**

Now, therefore

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

Section 1. In this ordinance the following definitions apply, unless a different meaning clearly appears from the context:

(a) "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the outstanding 2014A Bonds, 2014B Bonds and 2014D Bonds of the City of Yonkers, in the County of Westchester, New York.

(b) "Escrow Contract" means the contract to be entered into by and between the City and the Escrow Holder pursuant to Section 10 hereof.

(c) "Escrow Holder" means the bank or trust company designated as such pursuant to Section 10 hereof.

(d) "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds, excluding all principal and interest payments to be made on the Refunding Bonds from income received as a result of the investment of the proceeds from the sale of the Refunding Bonds, and deducting therefrom all costs and expenses incidental to the issuance of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest.

(e) "Redemption Date(s)" means, as applicable and subject to any notice provisions set forth in the Bonds to be Refunded: September 1, 2022 and any date thereafter for the 2014A and 2014B Bonds maturing on or after September 1, 2023; and October 15, 2022 and any date thereafter for the 2014D Bonds maturing on or after October 15, 2023.

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**SPECIAL ORDINANCE (CONTINUED)**

(f) "Refunding Bond" or "Refunding Bonds" means a portion or all of the \$43,000,000 General Obligation Refunding Bonds-2021 (Federally Taxable) (or a substantially similar designation) of the City of Yonkers, authorized pursuant to Section 2 hereof.

(g) "Refunding Bond Amount Limitation" means an amount of Refunding Bonds sufficient to pay the sum of the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on such Bonds To Be Refunded to and including the Redemption Date, plus redemption premiums payable on such Bonds To Be Refunded as of such Redemption Date, as hereinabove referred to in the Recitals hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 10 hereof.

Section 2. The City Council of the City (herein called the "City Council"), hereby authorizes the refunding of the Bonds To Be Refunded, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$43,000,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of Refunding Bonds in an aggregate principal amount not to exceed \$43,000,000 and the levy and collection of a tax upon all the taxable real property within the City to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the City in the maximum principal amount of \$43,000,000 and designated substantially as "GENERAL OBLIGATION REFUNDING BONDS-2021 (FEDERALLY TAXABLE)," (or a substantially similar designation) are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding (the "refunding financial plan") prepared for the City by its financial advisor, Capital Markets Advisors LLC, in substantially the form attached hereto as Exhibit A and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 10 hereof, the payment of all costs incurred by the City in connection with said refunding from such proceeds, and the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay the principal amount, aggregate

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**SPECIAL ORDINANCE (CONTINUED)**

amount of unmatured interest payable, and redemption premium, if any, on the Bonds To Be Refunded to be called for redemption prior to maturity on the Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are the aggregate unmatured outstanding balances of three (3) issues of bonds, each originally issued and/or previously refunded pursuant to various bond ordinances of the City, duly adopted by the City Council on their respective dates and the Sale Ordinance adopted on September 10, 2014. In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount not to exceed \$43,000,000 shall be allocated to the component issues of the Bonds To Be Refunded, and shall mature in amounts and at dates to be determined. The Commissioner of Finance and Management Services, the chief fiscal officer of the City, is hereby authorized to finalize and approve all details of the final refunding financial plan not contained herein, including, but not limited to, any and all changes to the structure of the Refunding Bonds and the resulting debt savings, all as may be later approved by the City Council.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness ("PPU") of each project included in each issue comprising the Bonds to be Refunded, commencing at the date of issuance of said bonds or the first bond anticipation notes issued in anticipation of the sale of said bonds, is set forth in the table below:



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**SPECIAL ORDINANCE (CONTINUED)**

**General Obligation Bonds – 2006A**

<u>Special Ordinance No.</u>	<u>Project Description</u>	<u>Period of Probable Usefulness</u>
61-2005	Reconstruction of Fire Houses	15
61-2005	Acquisition of Vehicles	20
61-2005	Acquisition of Equipment	5
61-2005	Emergency Sewer Repairs	15
61-2005	Water Buildings Repair	15
61-2005	Service Center Rehabilitation	15
61-2005	Sidewalk, Curbs and Steps Reconstruction	10
61-2005	Guard Rail Replacement	5
61-2005	Hydrant Replacement/Upgrade	15
61-2005	Meter Replacement Remote System	20
61-2005	Reconstruction of Water Lines	40
61-2005	Water Main Replacement	40
61-2005	Replacement of Water Valves	15
61-2005	Water Tower Repairs	40
61-2005	Sewer System Root Elimination	10
61-2005	Resurfacing	15
61-2005	Maintenance Equipment	5
61-2005	Vehicle Replacement	15
61-2005	Acquisition of Materials and Equipment	5
61-2005	Acquisition of Vehicles	3
61-2005	Library Facilities Rehabilitation	15
61-2005	Parks Resurfacing	15
61-2005	Parks Recreational Area Improvements	15
61-2005	Park Rehabilitation	15
61-2005	Park –Acquisitions of Vehicles	3
61-2005	Parks – Acquisitions of Equipment	5
61-2005	Partial Reconstruction of Museum	15
61-2005	Police – Acquisition of Vehicles	3
61-2005	Police - Acquisition of Equipment	5
61-2005	Police – Building Rehabilitation	15
61-2005	Nodine Hill and Ravine Avenue Renewal	5
61-2005	Ashburton Avenue Urban Renewal	50
61-2005	Alexander Street Urban Renewal	50
61-2005	Valloy Urban Renewal	5
61-2005	Napperham River Bridge	20

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**SPECIAL ORDINANCE (CONTINUED)**

61-2005	Esplanade Park Face II	5
61-2005	Main Street Turnaround	15
61-2005	Downtown Streetscapes	10
61-2005	Improvement to JFK Park and Downtown Marina	15
61-2005	Equipment Assessment	5
61-2005	War Monument Restoration	5
61-2005	Affordable Housing Subsidies	5
61-2005	MIS Hardware and Software	3
61-2005	Fuel Tank Replacement	10
23-2005	Sewer Remedial Program	40
23-2005	Sewer Remedial Program	40

**School Serial Bonds – 2006B**

<u>Special Ordinance No.</u>	<u>Project Description</u>	<u>Period of Probable Usefulness</u>
61-2005	Improvements to School Buildings	25
61-2005	Equipment & Technology Improvements to City Schools	5

**General Obligation Bonds – 2007A**

<u>Special Ordinance No.</u>	<u>Project Description</u>	<u>Period of Probable Usefulness</u>
3-2007	Partial Reconstruction of Various Fire Houses	15
3-2007	Acquisition of Vehicles	20
3-2007	Acquisition of Equipment	20
3-2007	Emergency Sewer Repairs	10
3-2007	Rumsey/Spring Road Flooding	10
3-2007	Sidewalk, Curbs and Step Reconstruction	10
3-2007	Guard Rail Replacement	5
3-2007	Hydrant Replacements/Upgrade	15
3-2007	Meter Replacement Remote System	20
3-2007	Reconstruction of Water Lines	15
3-2007	North Broadway Water System Construction	15
3-2007	Replacement of Water Valves	15

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**SPECIAL ORDINANCE (CONTINUED)**

3-2007	Water Tower Repairs	40
3-2007	Improvement to the Water System Plant	30
3-2007	Expansion to Water Treatment Plant	5
3-2007	NYC Interconnection Project	5
3-2007	McLean Avenue Pipeline Reconstruction	5
3-2007	Resurfacing	15
3-2007	Lot Resurfacing	15
3-2007	Central Avenue Bridge Reconstruction	20
3-2007	Wall Reconstruction	5
3-2007	DPW Equipment	5
3-2007	Vehicle Replacement	15
3-2007	Acquisition of Material and Equipment	5
3-2007	Library Facilities Rehabilitation	15
3-2007	Park Rehabilitation	15
3-2007	Acquisition of Vehicle	3
3-2007	Partial Reconstruction of Museum	15
3-2007	Police - Acquisition of Vehicles	3
3-2007	Police - Acquisition of Equipment	5
3-2007	Public - Building Rehabilitation	15
3-2007	Police - Record Management System	5
3-2007	Developmental Waterfront Park Improvements (Settlements)	15
3-2007	Waterfront Development JFK Marina Water Trail	15
3-2007	Waterfront Park/Infrastructure Imp.	15
3-2007	Equipment Assessment	5
3-2007	General Rehabilitation/Reconstruction	15
3-2007	Signal Improvements	20

**School Serial Bonds – 2007B**

<u>Special Ordinance No.</u>	<u>Project Description</u>	<u>Period of Probable Usefulness</u>
3-2007	Improvement to School Buildings	25
3-2007	Equipment & Technology Improvements to City Schools	5

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**SPECIAL ORDINANCE (CONTINUED)**

**School Serial Bonds – 2014D**

<u>Special Ordinance No.</u>	<u>Project Description</u>	<u>Period of Probable Usefulness</u>
28-2014	Construction of Improvements to various School Buildings and the sites thereof	15
28-2014	Acquisition of textbooks and equipment	5

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**SPECIAL ORDINANCE (CONTINUED)**

Section 5. As set forth in Exhibit A, the projected aggregate amount of estimated Present Value Savings resulting from the refunding of all of the Bonds to be Refunded, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law, is approximately \$971,791.82.

Section 6.(a) The Refunding Bonds may be sold at public or private sale. If the Refunding Bonds are sold at private sale, the Commissioner of Finance and Management Services, the chief fiscal officer of the City, is hereby authorized to execute a purchase contract on behalf of the City for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller.

(b) If the Refunding Bonds are sold at public sale pursuant to Section 57.00 of the Law, the Commissioner of Finance and Management Services is hereby authorized and directed to prepare or have prepared a Notice of Sale, which shall be published in full or in summary at least once in (i) "THE BOND BUYER", published in the City of New York and/or (ii) the official newspaper(s) of the City having general circulation within said City, not less than five (5) nor more than thirty (30) days prior to the date of said sale. A copy of such notice shall be sent not less than eight (8) nor more than thirty (30) days prior to the date of said sale to (1) the State Comptroller, Albany, New York 12236; (2) at least two banks or trust companies having a place of business in the county in which the City is located, or, if only one bank is located in such county, then to such bank and to at least two banks or trust companies having a place of business in an adjoining county; (3) "THE BOND BUYER", 1 State Street Plaza, New York, New York 10004; and (4) at least 10 bond dealers.

(c) Prior to the issuance of the Refunding Bonds, the Commissioner of Finance and Management Services shall file with the City Council all requisite certifications, including a certificate approved by the State Comptroller setting forth the Present Value Savings to the City resulting from the issuance of the Refunding Bonds.

(d) In connection with the sale of the Refunding Bonds, the City hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale and, further, consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution. (e) The Commissioner of Finance and Management Services is hereby further

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**SPECIAL ORDINANCE (CONTINUED)**

agreements for the purchase of and payment for services rendered or to be rendered to the City in connection with said refunding, including the preparation of the refunding financial plan referred to in Section 2.

Section 7. Each of the Refunding Bonds authorized by this ordinance shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the City payable as to both principal and interest by a general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this ordinance and of the Law, and pursuant to the provisions of Section 30.00, Section 50.00, Sections 90.10 and 90.10, Sections 56.00 to 60.00, and Section 168.00 of the Law, the powers and duties of the City Council relative to prescribing the terms, form and contents and all other powers or duties pertaining or incidental to the sale and issuance of the Refunding Bonds, and the power to enter into agreements for credit enhancement for the Refunding Bonds and to execute any arbitrage certification relative thereto, as well as to executing the Escrow Contract described in Section 10 and the Official Statement referred to in Section 6, are hereby delegated to the Commissioner of Finance and Management Services of the City.

Section 9. The validity of the bonds authorized by this ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

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**SPECIAL ORDINANCE (CONTINUED)**

Section 10. Prior to the issuance of the Refunding Bonds, the City shall contract with The Bank of New York Mellon, New York, New York (as agent for the Comptroller of the State of New York, in his capacity as fiscal agent of the City), a bank or trust company located and authorized to do business in this state, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions for the Escrow Holder without further authorization or direction from the City, except as otherwise provided therein,

a) to make all required payments of principal, interest and redemption premiums, if any, to the appropriate paying agent with respect to the Bonds To Be Refunded,

(b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder,

(c) at the appropriate time or times to cause to be given on behalf of the City the notice of redemption authorized to be given pursuant to Section 13 hereof, and

(d) to invest the moneys held by it consistent with the provisions of the refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 11. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the City with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the City and shall be applied by the City only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

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**SPECIAL ORDINANCE (CONTINUED)**

Section 12. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof. Neither this ordinance, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 13. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the City Council hereby elects to call in and redeem all the Bonds To Be Refunded which are subject to prior redemption according to their terms on each applicable Redemption Date. The sum to be paid therefor on the Redemption Date shall be the par value thereof, the accrued interest to the Redemption Date and the redemption premium, if any, payable on the Bonds to be Refunded in accordance with their terms. The Escrow Holder is hereby authorized and directed to cause a notice of such call for redemption to be given in the name of the City, by publishing the notice of call for redemption in a financial newspaper published and circulated in the City of New York and in the official newspaper or newspapers of the City or, if there be no official newspaper, then in any newspaper having general circulation therein, the first publication to be at least thirty and not more than sixty days prior to the Redemption Date or, in the case of registered bonds, by mailing such notice to the registered holder at least thirty and not more than sixty days prior to such Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded which are subject to prior redemption and the direction to the Escrow Holder to cause notice thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of



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**SPECIAL ORDINANCE (CONTINUED)**

paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 14. Notwithstanding anything herein to the contrary, following the issuance of any Refunding Bonds pursuant hereto, this ordinance shall be deemed repealed, except to the extent of the any indebtedness contracted.

Section 15. This refunding bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in full or summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "THE JOURNAL NEWS" and/or in "YONKERS RISING", each having a general circulation in the City and hereby designated as official newspaper(s) of said City for such publication. Section 16. This ordinance shall take effect immediately. \* \* \*

**EXHIBIT A PROPOSED REFUNDING FINANCIAL PLAN\***  
**(Prepared by FHN Financial Capital Markets)**

*\* Preliminary and subject to change. It is hereby acknowledged that the final structure of the Refunding Bonds and the resulting debt savings may be different than as set forth in this preliminary refunding financial plan; however, any and all changes shall be subject to the final approval of the City Council.*

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**CITY COUNCIL OF THE CITY OF YONKERS**  
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**SPECIAL ORDINANCE**

5. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

A SPECIAL ORDINANCE AUTHORIZING AN ENCROACHMENT IN THE RIGHT-OF-WAY ON WINFRED AVENUE, SUBJECT TO CERTAIN TERMS AND CONDITIONS.

The City of Yonkers, in City Council convened, hereby ordained and enacts:

Section 1. Permission is hereby granted to Lois Slattery, as owners of 180 Trenchard Street, Yonkers, New York 10704, also known as Section 6, Block 6349, Lots 1 and 2, on the Official City Tax Map (the "owner"), to maintain an encroachment consisting of an existing stone retaining wall upon the City right-of-way located on Winfred Avenue in accordance with and as shown on a survey, to be approved by the City Engineer;

Section 2. This permission to encroach is granted subject to the following terms and conditions, to wit:

- (a) That the entire cost and expense of obtaining and thereafter maintaining the encroachment on Winfred Avenue shall be paid by the owner, her successors and/or assigns without expense to or contribution by the City of Yonkers;
- (b) That neither the approval of the above-referred survey by the appropriate city official, nor the placement of any improvements by the owner of 180 Trenchard Street upon said encroachment shall be deemed a waiver, or in any way affect the right, of the City of Yonkers to provide for construction or otherwise improve its right-of-way; provided further that the City of Yonkers reserves the right to assess the property benefited in like manner and in like effect as if approval had not been given by the City of Yonkers. That the granting of this permission shall in no way free or release said owner or any successors or assigns from the payment of any assessment hereafter imposed;
- (c) That no permanent improvements will be allowed on, above or under the encroachment area;

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**SPECIAL ORDINANCE (CONTINUED)**

(d) That the permitted encroachment upon Winfred Avenue shall consist of the existing stone retaining wall located 2.86' south of southern property line of 180 Trenchard Street of mean height 3.75' and 45.00' in length located south of the southerly property line. Said wall is not continuous.

(e) That the owner, her successors and/or assigns, shall secure all necessary permits and consents and shall secure and maintain a property damage and public liability insurance policy naming the City of Yonkers as insured, or as an additional named insured in the amount and form satisfactory to the City Engineer and the Corporation Counsel of the City of Yonkers and provide the City of Yonkers with evidence thereof within thirty (30) days of approval of this permission to encroach;

(f) The City of Yonkers reserves the right to revoke or terminate this permission to encroach for whatever reason, upon thirty (30) days written notice to the owner, whenever it may deem such revocation necessary; upon revocation or termination of this permission, the owner, her successors and/or assigns shall immediately remove any improvement placed within said encroachment at the express direction of the City of Yonkers, at the owner's cost and expense;

(g) That the owner, her successors and/or assigns shall, for whatever period this permission remains in effect, save harmless and indemnify the City of Yonkers for any and all claims, actions, suits, judgments, demands, losses, damages, causes of action, including personal injury and/or death, including all costs related to the defense thereof;

(h) That the City of Yonkers or authorized representatives shall be permitted entry upon the area of encroachment at any time and for any reason;

(l) That the owner shall remit a one-time administrative fee of \$750.00 payable to City of Yonkers.

Section 3. This ordinance shall take effect immediately.

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**RESOLUTION**

6. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

RESOLUTION ISSUING A HOME RULE MESSAGE FOR SENATE BILL S1033 AND ASSEMBLY BILL A1724 IN RELATION TO BONDS AND NOTES.

WHEREAS, Senate Bill S1033 and Assembly Bill A1724 have been introduced in the New York State Legislature for the purposes of extending the City's authority to negotiate serial bonds/notes of Yonkers from June 30, 2021 to June 30, 2022; and

WHEREAS, the authorization for the City of Yonkers to negotiate the private sale of its bonds and notes is vital to improving the City's financial stability and independence; and

WHEREAS, the continuance of this power will allow more cost-effective financing of the City's debt; and

WHEREAS, the City's bonding authority will expire on June 30, 2021 unless it is extended for one (1) year; and

WHEREAS, this legislation will permit the private sale of bonds or notes by the City of Yonkers, subject to the approval of the State Comptroller; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby issues this Home Rule Request Message for Senate Bill S1033 and Assembly Bill A1724 to extending the City's authority to negotiate serial bonds/notes of Yonkers from June 30, 2021 to June 30, 2022; and

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**RESOLUTION (CONTINUED)**

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to the Legislature of the State of New York requesting the passage of the aforesaid bills.

BE IT FURTHER RESOLVED, that this shall take effect immediately.

**INTRODUCER'S MEMORANDUM  
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

**SPONSOR:** The Administration

**TITLE OF BILL:** A Home Rule Resolution supporting Assembly Bill A1724 and Senate Bill S1033, an act to amend the local finance law, in relation to bonds and notes of the City of Yonkers.

**PURPOSE:** Extender law - this legislation extends the marketing limitation on serial bonds/notes of Yonkers from June 30, 2021 to June 30, 2022.

**SUMMARY OF SPECIFIC PROVISIONS:**

A Home Rule Resolution supporting Assembly Bill A1724 and Senate Bill S1033, an act to amend the local finance law, in relation to bonds and notes of the City of Yonkers.

**JUSTIFICATION:** This legislation extends the marketing limitation on serial bonds/notes of Yonkers from June 30, 2021 to June 30, 2022. The authorization for Yonkers to negotiate the private sales of its bonds or notes is vital to improving the city's financial stability and independence. The city's bonding authority will expire on June 30, 2021 unless it is extended for one year. The continuation of this power will allow more cost-effective financing for the city of Yonkers.

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** None

**CRIMINAL SANCTION IMPACT:** None

**LEGISLATIVE HISTORY:** The City Council annual adopts a Home Rule Resolution for previous New York State Legislation.

**FISCAL IMPLICATIONS:** There are no fiscal impacts against the City if this Resolution is enacted.

**EFFECTIVE DATE:** Immediately

**SUBJECT: RESOLUTION ISSUING A HOME RULE MESSAGE FOR SENATE BILL S1033 AND ASSEMBLY BILL A1724 IN RELATION TO BONDS AND NOTES**

☐ NO FISCAL IMPACT PROJECTED

**BUDGET IMPACT**

(To be completed by operating department and reviewed by Finance Department)

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: \_\_\_\_\_

Total Current Year Revenue: \_\_\_\_\_

Source of Funds (Check one): ☐ Current Appropriations ☐ Additional Appropriations

☐ Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain)

Identify Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses:

Annual Amount: \$ \_\_\_\_\_

Describe:

Potential Related Revenues:

Annual Amount: \$ \_\_\_\_\_

Current Year:

Next 5 years:

Anticipated Savings:

Annual Amount: \$ \_\_\_\_\_

Current Year:

Next 5 years:

C) FISCAL IMPACT

Potential for additional personnel: \_\_\_\_\_

Prepared By: Denise Egiziaco

Title: Chief of Staff

Department: Mayor's Office

Signature: \_\_\_\_\_

Reviewed By: John Liszewski  
FINANCE DEPARTMENT

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*If you need more space, attach additional sheets.*

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7. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

RESOLUTION SUPPORTING SENATE BILL NO. S 6519 AND ASSEMBLY BILL NO. A 7289 AUTHORIZING THE YONKERS PARKING AUTHORITY TO ISSUE BONDS OR NOTES IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$30,000,000

WHEREAS, under current law, the Yonkers Parking Authority ("YPA") is not authorized to issue bonds; and

WHEREAS, Chapter 592 of the New York Law of 1998 included a sunset on the Parking Authority's ability to issue bonds or notes and limited the amount of bonds or notes that could be issued on or prior to June 30, 1992 to \$30,000,000; and

WHEREAS, modern and up-to-date parking facilities are needed to meet the needs of the citizens of the City of Yonkers and to support economic development efforts in the City; and

WHEREAS, after much deliberation, the City and YPA have determined that it is necessary and in the best interest of the citizens of Yonkers that the YPA finance immediate and critical infrastructure improvements to the parking facilities of the City; and

WHEREAS, the aggregate principal amount of such bonds of the YPA outstanding at any one time shall not exceed \$30,000,000, noting that said bonds must be issued no later than June 30, 2031; and

WHEREAS, Senate Bill No. S 6519 and Assembly Bill No. A 7289 have been introduced into the New York State Legislature for the purpose of extending said authorization; and



**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION (CONTINUED)**

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Yonkers hereby issues this Home Rule Request Message for Senate Bill No. S 6519 and Assembly Bill No. A 7289 to amend Subdivision one of Section fifteen hundred ninety-six-i of the Public Authorities Law to enable the YPA to issue bonds, noting that the aggregate principal amount of such bonds outstanding at any one time shall not exceed \$30,000,000; and

BE IT FURTHER RESOLVED, that the City Council requests the City Clerk to forward a copy of this Home Rule Request Message to Legislature of the State of New York requesting the passage of the aforesaid bills.

**INTRODUCER'S MEMORANDUM  
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE  
CHARTER**

**SPONSOR:** Administration

**TITLE OF BILL:** Resolution supporting Senate Bill No. S 6519 and Assembly Bill No. A 7289, authorizing the Yonkers Parking Authority to issue bonds or notes in the principal amount of not to exceed \$30,000,000

**PURPOSE:** This resolution is in support of the State legislature authorizing the YPA to issue bonds in the principal amount not to exceed \$30,000,000.

**SUMMARY OF SPECIFIC PROVISIONS:** As stated above.

**JUSTIFICATION:** Modern and up-to-date parking facilities are needed to meet the needs of the City's citizens and to support economic development efforts in the City.

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:**  
None.

**CRIMINAL SANCTION IMPACT:** N/A

**LEGISLATIVE HISTORY:** N/A

**FISCAL IMPLICATIONS:** N/A.

**EFFECTIVE DATE:** This resolution will take effect immediately.

**TITLE OF BILL:** Resolution supporting Senate Bill No. S 6519 and Assembly Bill No. A 7289, authorizing the Yonkers Parking Authority to issue bonds or notes in the principal amount of not to exceed \$30,000,000

■ NO FISCAL IMPACT (to the City) PROJECTED

**BUDGET IMPACT**

(To be completed by operating department and reviewed by Finance Department)

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: \_\_\_\_\_

Total Current Year Revenue: \_\_\_\_\_

Source of Funds (Check one): ☐ Current Appropriations ☐ Additional Appropriations ☐ Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain)

Identify

Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses: Annual

Amount: \$ \_\_\_\_\_

Describe: \_\_\_\_\_

Potential Related Revenues: Annual

Amount: \$ \_\_\_\_\_

Current Year: \_\_\_\_\_

Next 5 years: \_\_\_\_\_

Anticipated Savings: Annual

Amount: \$ \_\_\_\_\_

Current Year: \_\_\_\_\_

Next 5 years: \_\_\_\_\_

C) FISCAL IMPACT

Potential for additional personnel: \_\_\_\_\_

Prepared By: Denise Egiziaco

Title: Chief of Staff

Department: Mayor's Office

Signature: \_\_\_\_/S/ \_\_\_\_\_

Reviewed By: John Liszewski  
FINANCE DEPARTMENT

Signature: \_\_\_\_\_

Date: April 27, 2021

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

8. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the reappointment of Shaun Brown to the Landmarks Preservation Board for a three-year term to expire on June 6, 2024; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

9. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the reappointment of Kevin T. Cacace to the Landmarks Preservation Board for a three-year term to expire on March 6, 2024; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

10. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the reappointment of Mary Hoar to the Landmarks Preservation Board for a three-year term to expire on December 31, 2022; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

11. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the reappointment of Taylor James Pierce to the Landmarks Preservation Board for a three-year term to expire on December 31, 2022; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

12. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

BE IT RESOLVED, that the Yonkers City Council hereby gives its advice and consent to the reappointment of Maysoon Rabaa to the Landmarks Preservation Board for a three-year term to expire on December 31, 2022; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.



**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

13. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

RESOLUTION OF THE COUNCIL OF THE CITY OF YONKERS  
APPOINTING PAUL COSTA TO THE YONKERS BOARD OF  
ASSESSMENT AND REVIEW

WHEREAS, the Charter of the City of Yonkers empowers the Board of Assessment Review to meet to hear complaints in relation to the assessment of real property; and

WHEREAS, the Charter, in creating the Board of Assessment Review, delineated that the Board shall consist of five (5) members with knowledge of property values in the City; and

WHEREAS, all five (5) members are to be appointed to a five (5) year term by the City Council; and

WHEREAS, Mr. Costa was previously served as an engineer for the City of Yonkers;

NOW, THEREFORE, BE IT RESOLVED, that the Yonkers City Council hereby appoints Paul Costa, to the Yonkers Board of Assessment and Review for a five year term to expire on April 20, 2026.

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

14. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

RESOLUTION TO APPROVE AND AUTHORIZE THE SETTLEMENT BY THE CORPORATION COUNSEL IN THE AMOUNT OF FIFTEEN THOUSAND AND 00/100 DOLLARS (\$15,000.00) OF THE ACTION ENTITLED "THE CITY OF YONKERS, Plaintiffs, RICHARD WHELAN, JACKSON WHELAN, MARTIN PETERSON, AND CLAIRE PETERSON, Defendants"

WHEREAS, the City made a loan to Action Press, Inc. in 2000 and assigned to Ditto Design & Duplication, Inc. in 2002, pursuant to the HUD Section 108 Loan Guarantee Program (the "Loan"); and

WHEREAS, in 2013 the City commenced proceedings in New York State Supreme Court to recover the Loan's guarantors on the defaulted Loan, which had an outstanding amount of \$39,304.56 in principal, interest (including default interest), and fees; and

WHEREAS, the City received a judgment in the amount of \$74,250.15, with interest accruing at the rate of nine percent (9%) pursuant to New York State Statute; and

WHEREAS, to date, the City has recovered \$50,000.00 from Claire and Martin Peterson, the only other Guarantors with accessible assets; and

WHEREAS, defendant Richard Whelan has requested to enter into a settlement agreement with the City to resolve the litigation for a lump sum payment of \$15,000.00; and

WHEREAS, the Corporation Counsel recommends settling this matter and has not received an objection from HUD upon informing of them of the proposed settlement;

NOW THEREFORE BE IT RESOLVED, that the settlement by the Corporation Counsel in the amount of FIFTEEN THOUSAND and 00/100 (\$15,000.00) of the action entitled "The City of Yonkers, Plaintiffs, Richard Whelan, Jackson Whelan, Martin Peterson, and Claire Peterson, Defendants," by Defendant Richard Whelan, for an action based upon the guarantees made pursuant to the Section 108 Loan issued to Action

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION (CONTINUED)**

Press, Inc., and Ditto Design and Duplication, Inc., be and the same hereby is approved; and

BE IT FURTHER RESOLVED, that the Corporation Counsel is hereby authorized to do and perform any and all such actions, including the execution of any and all documents and certificates, as such officers shall deem necessary and advisable to carry out the purposes and intent of the foregoing resolution; and

BE IT FURTHER RESOLVED, that this Resolution will take effect immediately.

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

15. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

RESOLUTION OF THE CITY COUNCIL TO APPROVE A SPECIAL USE PERMIT APPLICATION FOR THE OPERATION OF A CONVENIENCE STORE IN CONJUNCTION WITH AN AUTOMOBILE SERVICE STATION AT SECTION 3, BLOCK 3039, LOTS 22.23, ON THE PROPERTY KNOWN AS 1055 AKA 1061 NEPPERHAN AVENUE PURSUANT TO ARTICLE VII OF THE YONKERS ZONING ORDINANCE

WHEREAS, the owner of the property located at 1055 aka 1061 Nepperhan Avenue, more properly known as Section 3, Block 3039, Lots 22.23 on the Official Tax Map of the City of Yonkers, has submitted an application for a Site Plan Review and a Special Use Permit for the operation of a convenience store in conjunction with an automobile service station to the Planning Board, which application was approved by the Yonkers Planning Board in accordance with Article VII and Article IX of the Zoning Code of the City of Yonkers; and

WHEREAS, upon review of the application and the record, this City Council believes it to be in the best interest of the City to grant said application; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Yonkers, in meeting assembled, that the proposed Special Use Permit should be granted and;

BE IT FURTHER RESOLVED, that upon the record and findings of the Planning Board, with respect to the application submitted by the property owner, for a Site Plan Review and Special Use Permit, for the operation of a proposed convenience store in conjunction with an automotive service station at Section 3, Block 3039, Lots 22.23 on the Official Tax Map of the City of Yonkers, at the property known as 1055 aka 1061 Nepperhan Avenue, Yonkers, New York, pursuant to Article VII and Article IX of the Zoning Code of the City of Yonkers, the decision and actions of the Planning Board of the City of Yonkers are hereby approved, and this approval is subject to any conditions set forth in the decision of the Planning Board and;

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION (CONTINUED)**

BE IT FURTHER RESOLVED, that all of the conclusions, findings and conditions contained in the April 14, 2021 resolution of the Yonkers Planning Board are hereby incorporated by reference and made a part hereof; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

**SPONSOR:** ADMINISTRATION

**TITLE OF BILL:** A RESOLUTION APPROVING A SPECIAL USE PERMIT FOR CONVENIENCE STORE IN CONJUNCTION WITH AN AUTOMOTIVE SERVICE STATION AT 1055 AKA 1061, ALSO KNOWN AS SECTION 3, BLOCK 3039 LOTS 22.23 ON THE OFFICIAL TAX MAP OF THE CITY OF YONKERS..

**PURPOSE:** This legislation will approve the proposed convenience store at the site.

**SUMMARY OF SPECIFIC PROVISIONS:** This legislation approves the decision of the Planning Board to approve the proposed convenience store in connection with the automotive service station.

**JUSTIFICATION:** The City Council must approve the decision of the Planning Board regarding the convenience store if such approval is to be effective.

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** None.

**CRIMINAL SANCTION IMPACT:** N/A

**LEGISLATIVE HISTORY:** No legislative history.

**FISCAL IMPLICATIONS:** There is no fiscal impact against the City if this law is enacted.

**EFFECTIVE DATE:** This resolution will take effect immediately.

**SUBJECT:** : X NO FISCAL IMPACT PROJECTED

**TITLE:** A RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A CONVENIENCE STORE IN CONJUNCTION WITH AN AUTOMOTIVE SERVICE STATION AT 1055 AKA 1061 NEPPERHAN AVENUE, ALSO KNOWN AS SECTION 3, BLOCK 3039, LOTS 22.23 ON THE OFFICIAL TAX MAP OF THE CITY OF YONKERS.

**BUDGET IMPACT**

(To be completed by operating department and reviewed by Finance Department)

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

**B) EXPENSES AND REVENUES**

Total Current Year Cost: \_\_\_\_\_

Total Current Year Revenue: \_\_\_\_\_

Source of Funds (Check one): ☐ Current Appropriations ☐ Additional Appropriations ☐

Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain)

Identify Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses: Annual Amount: \$ \_\_\_\_\_

Describe:

Potential Related Revenues: Annual Amount: \$ \_\_\_\_\_

Current Year:

Next 5 years:

Anticipated Savings: Annual Amount: \$ \_\_\_\_\_

Current Year:

Next 5 years:

C) FISCAL IMPACT: None.

MIKE SPANO  
MAYOR

LOUIS J. ALBANO  
COMMISSIONER

LEE J. ELLMAN, AICP  
DEPUTY COMMISSIONER

ZACHARY J. NERSINGER  
PLANNING DIRECTOR



87 NEPPERHAN AVENUE, ROOM 320  
YONKERS, NEW YORK 10701-3892  
914-377-6555  
FAX 914-377-6552

PLANNING BUREAU  
CITY OF YONKERS

April 15, 2021

Mr. Michael Khader, City Council President  
City of Yonkers, City Council  
40 South Broadway  
Yonkers, NY 10701

Dear Mr. Khader:

The following matter was referred to the Yonkers Planning Board:

**A SITE PLAN AND SPECIAL USE PERMIT APPLICATION FOR A GAS STATION WITH  
CONVENIENCE STORE AT BLOCK: 3039 LOT: 22.23 ON THE PROPERTY KNOWN AS 1055  
AKA 1061 NEPPERHAN AVENUE PURSUANT TO ARTICLE VII AND ARTICLE IX OF THE  
YONKERS ZONING ORDINANCE**

The site plan and special use presented to the Planning Board at its meeting of April 14, 2021 is approved with the following conditions:

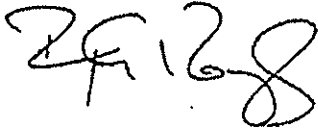
1. The site plans have been designed to provide space within the site for the required turning movements of the fuel delivery vehicles. Therefore, fuel delivery vehicles shall not be permitted to park and re-fuel the tanks from Nepperhan Avenue.
2. Electric vehicle (EV) charging stations are not permitted in the parking spaces. The applicant has removed the originally proposed EV charging stations to provide the necessary off street parking for the use of the property. In turn, the revised plans show the relocation of select parking spaces to the rear of the site where the EV charging stations were previously proposed, which provided adequate space for the turning movements of the fuel delivery vehicles.
3. Clothing donation bins shall not be permitted on the site.
4. Parking on the sidewalk between the curb cuts along Nepperhan Avenue is strictly prohibited.
5. Goods for sale or purchase are not permitted on the sidewalk area adjacent to the convenience store. This includes, but is not limited to, ice freezers, propane tanks, firewood, and automobile supplies.
6. No more than 25% of the window area of any pane of glass, including the front door, shall be covered with any signs. This includes, but is not limited to, interior paper signs, exterior glass signs, neon and other illuminated signs.
7. No temporary signs on the sidewalk. Banners, pennants, streamers, signs, or the like shall not be permitted to be flown from the site, the fuel pump canopy or from the building.
8. Any deviation from the approved plan shall requires a new application.



9. All conditions imposed by the Planning Board and the Zoning Board of Appeals (case #5676) remain in full force and effect for the life of the project.

The Planning Board's resolution and a copy of the public hearing minutes are attached for your files.

Very truly yours,

A handwritten signature in black ink, appearing to read 'RK 128'.

Roman Kozicky  
Planning Board Chairman

Attachment

cc: V. Spano  
V. Pici  
M. Gallagher  
A. Natchev  
J. Gibbons  
Plan File

## **PLANNING BOARD RESOLUTION**

### **RESOLUTION TO APPROVE A SITE PLAN AND SPECIAL USE PERMIT APPLICATION FOR A GAS STATION WITH CONVENIENCE STORE AT BLOCK: 3039 LOT: 22.23 ON THE PROPERTY KNOWN AS 1055 AKA 1061 NEPPERHAN AVENUE PURSUANT TO ARTICLE VII AND ARTICLE IX OF THE YONKERS ZONING ORDINANCE**

#### **Findings:**

1. The applicant is proposing to demolish the existing convenience store and repair garage, remove the existing pump island and underground fuel tanks, and construct a new gas station with two pump islands, two underground fuel tanks and a convenience store. The application being presented to the board is not for a 24 hour special use permit. Therefore, the business must close at midnight (12:00 AM).

The site plan and special use permit application presented to the Planning Board at its meeting of April 14, 2021 is approved with the following conditions:

1. The site plans have been designed to provide space within the site for the required turning movements of the fuel delivery vehicles. Therefore, fuel delivery vehicles shall not be permitted to park and re-fuel the tanks from Nepperhan Avenue.
2. Electric vehicle (EV) charging stations are not permitted in the parking spaces. The applicant has removed the originally proposed EV charging stations to provide the necessary off street parking for the use of the property. In turn, the revised plans show the relocation of select parking spaces to the rear of the site where the EV charging stations were previously proposed, which provided adequate space for the turning movements of the fuel delivery vehicles.
3. Clothing donation bins shall not be permitted on the site.
4. Parking on the sidewalk between the curb cuts along Nepperhan Avenue is strictly prohibited.
5. Goods for sale or purchase are not permitted on the sidewalk area adjacent to the convenience store. This includes, but is not limited to, ice freezers, propane tanks, firewood, and automobile supplies.
6. No more than 25% of the window area of any pane of glass, including the front door, shall be covered with any signs. This includes, but is not limited to, interior paper signs, exterior glass signs, neon and other illuminated signs.
7. No temporary signs on the sidewalk. Banners, pennants, streamers, signs, or the like shall not be permitted to be flown from the site, the fuel pump canopy or from the building.
8. Any deviation from the approved plan shall requires a new application.
9. All conditions imposed by the Planning Board and the Zoning Board of Appeals (case #5676) remain in full force and effect for the life of the project.

The Planning Board renders its decision based upon facts and findings available to it, specifically:

1. Report by the Planning Bureau, dated September 9, 2020.
2. Report by the Fire Department, dated September 4, 2020 and March 27, 2021.
3. Report by the City Engineer, dated September 4, 2020, January 11, 2021 and April 9, 2021.
4. Report by the Traffic Engineer, dated September 8, 2020.
5. General knowledge of the area.

Date: April 14, 2021  
Motion by: M. Gillan  
Seconded by: E. Murray  
By a vote of: 6-0 (1 vacant)

1 STATE OF NEW YORK  
2 CITY OF YONKERS

3 MINUTES OF  
4 THE CITY OF YONKERS PLANNING BOARD  
5 JANUARY 13, 2021 - 5:37 P.M.

6 at

7 VIRTUAL MEETING  
8 PURSUANT TO GOVERNOR CUOMO'S  
9 EXECUTIVE ORDER 202.1

10 B E F O R E:

11 ROMAN KOZICKY, CHAIRMAN  
12 DANN BAKER, MEMBER  
13 HACKENZIE FORSBERG, MEMBER  
14 DR. MICHAEL GILLAN, MEMBER  
15 ADELTA LANDI, MEMBER  
16 JOHN LARRIN, MEMBER

17 P R E S E N T:

18 LEE ELLMAN, PLANNING DIRECTOR  
19 CHRISTINE CARNEY, PLANNING DEPARTMENT  
20 ALAIN NATCHEV, ASSISTANT CORP. COUNSEL  
21 GEORGE KUNTZ, CITY OF YONKERS

22 DIAMOND REPORTING 718-624-7200

3  
4 THE CHAIRMAN: Good evening. This is the  
5 Yonkers Planning Board, we are meeting pursuant to  
6 Governor Cuomo's Executive Order 202.1. We're  
7 conducting this meeting on Wednesday, January 13,  
8 2021. It is now about 5:37 in the evening, and the  
9 meeting is a distant/virtual meeting, there is no  
10 in-person attendance at this meeting.

11 This meeting is being televised and on this  
12 virtual meeting platform. If you need information on  
13 how to attend the virtual meeting, you can find that  
14 information at [www.yonkersny.gov](http://www.yonkersny.gov).

15 Please note that any matter requiring a  
16 public hearing will be heard after 7:00 p.m., and that  
17 items may be taken out of order in order to  
18 accommodate public comment or as the Board may deem  
19 necessary.

20 Item number 1 are the minutes of the special  
21 Planning Board meeting that was held on November 30,  
22 2020.

23 Members of the Board, those meeting minutes  
24 were part of your packages that you had delivered.  
25 You had the opportunity to review them, are there any  
changes, corrections, modifications, comments?

If not, I'll look for a motion to accept the  
minutes.

DIAMOND REPORTING 718-624-7200

2 I N D E X

ITEM:	PAGE:
3. Steven Accinelli - 70 Salisbury Rd (Held)	5
4. Stephen Veneruso - 470 Nepperhan Ave (Held)	5
5. Julio Leder-Luis - 88&94-100 Saratoga Ave	6
6. James Gibbons - 1055/1061 Nepperhan Ave	9, 60
7. Keith Brown - 155 South Broadway	22
8. Tom Abillama - 43 Garfield St	27
9. Steven Accinelli - 76 Locust Hill Ave	32
10. Thomas Haynes - 155 Saw Mill River Rd (Held)	40
11. Janet Girls - 19-27 Tuckahoe Rd	40
12. Jorge Hernandez - 146 Tuckahoe Rd	45
13. Steven Accinelli - 70 Jackson St	45
14. Mark - Weingarten - Teutonia/Chicken/Isi/NBdwy	62
15. Thomas Haynes - 159 Elm St	55
16. James Veneruso - 969/971 Midland Ave	71
17. Correspondence	84

DIAMOND REPORTING 718-624-7200

4 DR. GILLAN: So moved.

THE CHAIRMAN: So moved by Dr. Gillan.  
Seconded by --

MS. FORSBERG: Second.

THE CHAIRMAN: -- Ms. Forsberg. All in  
favor, please indicate by saying aye.

(A chorus of ayes.)

THE CHAIRMAN: Oppose, nay. I don't see  
any.

That's unanimous.

The second item are the minutes of the  
regular Planning Board meeting that were held on  
December 9th of 2020. Those were made part of your  
package and you had the opportunity to review them.  
Are there any changes, comments, corrections?

If not, I'll entertain a motion to accept --  
Somebody is --

(Whereupon there was a pause in the  
proceedings.)

THE CHAIRMAN: Okay. So, do I have a motion  
to accept the minutes of the December 9th Planning Board  
meeting as presented?

MRS. LANDI: Move to accept the minutes of  
the December meeting.

THE CHAIRMAN: So moved by Mrs. Landi. Do I  
DIAMOND REPORTING 718-624-7200

<p style="text-align: center;">9</p> <p>1 properly.</p> <p>2 So, why don't we go with that, Lee, make a</p> <p>3 note. And if you can have any of the members of the</p> <p>4 Board that wish to attend short of a quorum, we'd like</p> <p>5 to, or I, at least, would like to be part of that</p> <p>6 meeting.</p> <p>7 All right, thank you very much, and I'll</p> <p>8 look forward to coming in on that meeting, as well.</p> <p>9 We're going to move on to Item number 6 now.</p> <p>10 Item number 6 is a site plan review and special use</p> <p>11 permit application for a proposed convenience store</p> <p>12 and gas station at Block 3039, Lots 22.23 on the</p> <p>13 property known as 1055, also known as, 1061 Nepperhan</p> <p>14 Avenue pursuant to Article VII and Article IX of the</p> <p>15 Yonkers Zoning Ordinance.</p> <p>16 Mr. James Gibbons, representative for the</p> <p>17 proposal.</p> <p>18 MR. GIBBONS: Good evening, Mr. Chairman</p> <p>19 and members of the Board, James Gibbons here. I can</p> <p>20 give you an update if you would like me to begin, or</p> <p>21 if something else has to be done first, I'll stand by.</p> <p>22 THE CHAIRMAN: No, no, I understand the</p> <p>23 revised plans were submitted. They're currently being</p> <p>24 reviewed and we're still waiting for Traffic and</p> <p>25 Engineering comments, especially with regards to</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: center;">11</p> <p>1 those and respond to them at the appropriate time.</p> <p>2 But that's the update and I appreciate the</p> <p>3 Board's time.</p> <p>4 I don't hear anyone speaking.</p> <p>5 MRS. LANDI: Mr. Chairman.</p> <p>6 THE CHAIRMAN: I'm muted, I apologize.</p> <p>7 MRS. LANDI: Okay.</p> <p>8 THE CHAIRMAN: I'm not as an expert as Lee</p> <p>9 is with these technological advances.</p> <p>10 MR. KUNTZ: Sorry, I didn't know you were</p> <p>11 muted, I would have unmuted you.</p> <p>12 THE CHAIRMAN: What I was going to say is</p> <p>13 some of the items that you addressed, that you</p> <p>14 mentioned that you are currently addressing, that</p> <p>15 would include the sidewalk, there will be the sidewalk</p> <p>16 continuation and the defined curb cut for the entrance</p> <p>17 to the property; is that correct?</p> <p>18 MR. GIBBONS: Yes, Mr. Chairman. The</p> <p>19 comments we have show the curb cut widths, but the</p> <p>20 implication is to put the sidewalks in, so I'll make a</p> <p>21 note of that, as well.</p> <p>22 THE CHAIRMAN: Okay. Also, we would like to</p> <p>23 see how the gas tanker delivery, not only the timing</p> <p>24 of it, but how it would look going through the</p> <p>25 property so that the deliveries can be accomplished</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>
<p style="text-align: center;">10</p> <p>1 circulation. And I had some initial questions, but</p> <p>2 why don't you do a presentation first for the Board,</p> <p>3 and for whoever is watching, and then we can get to</p> <p>4 those questions.</p> <p>5 MR. GIBBONS: Thank you, Mr. Chairman.</p> <p>6 So, what we did, we resubmitted providing</p> <p>7 the additional information for the special use permit.</p> <p>8 We addressed most of the comments that were</p> <p>9 outstanding, but we do have a copy of Engineering's</p> <p>10 January 11th comments, and we have three comments to</p> <p>11 address for the Board.</p> <p>12 Those are indicated proposed utility</p> <p>13 services to the building, indicated curb cut widths,</p> <p>14 and the ADA ramp has to be in the walkway, not in the</p> <p>15 asphalt area. So, we have those, we're going to work</p> <p>16 on those for the next meeting.</p> <p>17 And the other outstanding item was to</p> <p>18 provide a schedule of the gasoline deliveries. So,</p> <p>19 it's been a few months since we first met, I want to</p> <p>20 give the Board a complete delivery schedule and get</p> <p>21 that in next week for the last couple of months with</p> <p>22 these additional comments.</p> <p>23 Everything else I think we've addressed, but</p> <p>24 the various departments that are reviewing give the</p> <p>25 opportunity to give us comments, so we will await</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: center;">12</p> <p>1 without obviously extending out to the street and/or</p> <p>2 the sidewalk during the delivery if that's possible.</p> <p>3 MR. GIBBONS: Okay. Would the Board like to</p> <p>4 do a site visit or should I get something for your</p> <p>5 review?</p> <p>6 THE CHAIRMAN: What we usually do, well, if</p> <p>7 you give us the schedule, any of the Board members can</p> <p>8 possibly go there, but I think you're putting in an</p> <p>9 additional set of pumps now, so the layout will be a</p> <p>10 little different than there is right now. So, I</p> <p>11 think, basically, if you give us schematically on the</p> <p>12 drawing what that turnaround would like like, I think</p> <p>13 that would probably be sufficient.</p> <p>14 MR. GIBBONS: Okay. We made some code</p> <p>15 references to the turnaround, so I'll enhance that a</p> <p>16 little bit and try to make it as clear as possible</p> <p>17 with how the delivery trucks will be in conformance</p> <p>18 with delivery.</p> <p>19 THE CHAIRMAN: Okay. Members of the Board,</p> <p>20 questions?</p> <p>21 MRS. LANDI: Yes, I have a comment, please.</p> <p>22 THE CHAIRMAN: Yes..</p> <p>23 MRS. LANDI: Okay, on the plans, there was a</p> <p>24 page where it says landscape. I don't see any</p> <p>25 landscape on that, on those drawings. And then I also</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>

<p style="text-align: center;">13</p> <p>1 had a question about space number 4, I assume that 2 must be the parking space on the right of that ADA 3 spot?</p> <p>4 And the other concern I had was the radius. 5 If that is the radius for the deliveries, how does 6 that affect a fire truck or an emergency vehicle?</p> <p>7 MR. GIBBONS: For the landscape, we do have 8 a lot of vegetation that we're planting. I think 9 Commissioner Ellman indicated maybe the last time we 10 met, which was a few months ago, that fencing may be 11 part of landscaping. So, we did enhance the fencing 12 on the property to create some shading from the 13 residential properties, but we don't have a lot of new 14 plantings in this area.</p> <p>15 It's currently a blacktop area in the way it 16 is now, and we were hoping to remain that way unless 17 the Board had suggestions, then we can implement 18 those.</p> <p>19 THE CHAIRMAN: I'm sorry, I was looking at 20 something on my notes here. What was the question?</p> <p>21 MRS. LANDI: I was wondering if there were 22 any large, if there were any spots where we could put 23 some large pots and then have some kind of a tree or 24 something. There's nothing here.</p> <p>25 THE CHAIRMAN: Well, from what I remember, DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: center;">15</p> <p>1 as part of the site plan, the Planning Board can 2 request as part of the site plan that the building be 3 moved back additionally both to create some area for 4 either bollards in between the area that the cars go 5 into to gas up and give some more room for the tanker 6 truck.</p> <p>7 I was going to suggest that at a minimum 8 there be bollards placed just inside the property line 9 because a constant problem that we have with gas 10 stations, and I'm sure that I saw it here, it is not 11 just this gas station, is people pulling up half on 12 the sidewalk, half on the site. One way to deal with 13 that when there is not a lot of room is to put in 14 bollards.</p> <p>15 I am not a fan of the big pot idea because 16 unless you are in a manicured office setting, the big 17 pots don't get taken care of, they're hard to, they're 18 usually never large enough for a tree not to be killed 19 because of too little space for it, and they end up 20 being very large ashtrays.</p> <p>21 So, I would, if there was no room, I would 22 go with bollards to give some pedestrian safety. If 23 there is more room, if the applicant can move the 24 project back a number of feet, move everything farther 25 back off of the sidewalk, then there would be room for DIAMOND REPORTING 718-624-7200</p>
<p style="text-align: center;">14</p> <p>1 it's a pretty tight property on both sides, and the 2 back is a huge rock. I'm actually interested in 3 seeing how that excavation in the back is going to be 4 done.</p> <p>5 The right side as you're facing the 6 property, there's an existing fence right now; is that 7 correct, Mr. Gibbons?</p> <p>8 MR. GIBBONS: There is an existing fence, 9 but we were going to enhance it to make sure that we 10 have excellent screening from the residential 11 neighbor.</p> <p>12 THE CHAIRMAN: That will be the vinyl 13 fencing, the standard 6-foot vinyl fence?</p> <p>14 MR. GIBBONS: We were thinking of that if 15 that's appropriate. Otherwise, if it was going to be 16 a chain-link, a little bit more sturdy just to put the 17 vans in the link and block out the view, but the vinyl 18 fencing would work, too.</p> <p>19 THE CHAIRMAN: Lee, I don't have the plan in 20 front of me, is there room for landscaping 21 realistically along either side of the property? I 22 know the back doesn't lend itself to that.</p> <p>23 MR. ELLMAN: I mean, it all depends on how 24 much the applicant is willing to move the building and 25 work with the excavation they need to do. They could, DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: center;">16</p> <p>1 some sort of a planter area that's wide enough to 2 maintain the plants in the area between the -- it all 3 depends on what the applicant is able and willing to 4 do and how much the Board is interested in pushing.</p> <p>5 I would, I do note though that there is no 6 detail for any kind of a fence. So, you know, Mr. 7 Gibbons, if you want to do it, you got to put it on 8 your plan, you got to put it on and show us the 9 detail.</p> <p>10 MR. GIBBONS: Yes, Mr. Chairman.</p> <p>11 MRS. LANDI: Mr. Ellman, the property on the 12 left of the pumps, is that not property that you could 13 have planting in?</p> <p>14 MR. ELLMAN: There is an existing, I mean, 15 there is a sliver of space between the existing block 16 wall and the property line. Yes, I'm sure something 17 can be done there. There's not very much room there 18 today, you know, we -- What is that?</p> <p>19 MR. KUNTZ: Feedback. We got rid of it.</p> <p>20 MR. ELLMAN: Just the feedback, I hope.</p> <p>21 So, we're dealing with a, you know, a legacy 22 problem. I'll ask, I think we need to ask Mr. Gibbons 23 to examine that, as well as to examine what can be 24 done to perhaps move everything to the east 25 sufficiently to give himself better clearance for the DIAMOND REPORTING 718-624-7200</p>

<p style="text-align: right;">17</p> <p>1 truck turning, which, also, Jim, I don't see a --</p> <p>2 there is a turning template.</p> <p>3 MR. KUNTZ: Jim, you're muted.</p> <p>4 MR. GIBBONS: I'm sorry, I'm here.</p> <p>5 MR. ELLMAN: You have the turning template</p> <p>6 which shows that all of the, or two of the cars need</p> <p>7 to not be there when the fuel truck comes in, but the</p> <p>8 bigger issue for me is will it be able to deliver fuel</p> <p>9 without being on the sidewalk? Because you're pumps,</p> <p>10 I'm sorry, not your pumps, your tanks are fairly close</p> <p>11 to the sidewalk, aren't they?</p> <p>12 MR. GIBBONS: Yes, they are.</p> <p>13 MR. ELLMAN: And are those going to be moved</p> <p>14 farther back than they are today?</p> <p>15 MR. GIBBONS: We were going to use the</p> <p>16 approximate same location to excavate. We can do some</p> <p>17 excavation and --</p> <p>18 (Noise Interruption.)</p> <p>19 MR. GIBBONS: So we would put the tanks the</p> <p>20 same place as where they are now, and it also gives us</p> <p>21 an opportunity to investigate and make sure that area</p> <p>22 is clean, as well, but we don't want to push them back</p> <p>23 or relocate the tanks to another area if at all</p> <p>24 possible.</p> <p>25 THE CHAIRMAN: I'm just looking at the plans</p> <p style="text-align: right;">DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">19</p> <p>1 Now, that is all overgrown and not cared for. So,</p> <p>2 maybe if they put some arborvitae, something that</p> <p>3 doesn't require a lot of work, it would be green and</p> <p>4 it would be a little bit more attractive.</p> <p>5 THE CHAIRMAN: All right, that's a good</p> <p>6 suggestion.</p> <p>7 MR. GIBBONS: I think that would be</p> <p>8 something we easily could do, I would be glad to</p> <p>9 develop that on the retaining wall side near Lewis</p> <p>10 Street.</p> <p>11 MRS. LANDI: Yes.</p> <p>12 THE CHAIRMAN: Correct.</p> <p>13 MR. GIBBONS: That makes a lot of sense to</p> <p>14 me, as well.</p> <p>15 MRS. LANDI: Thank you.</p> <p>16 MR. GIBBONS: We'll also detail the fence on</p> <p>17 the north side so we have a pretty good view of that,</p> <p>18 and do an elevation view of the fence, as well. And</p> <p>19 we'll take a close look if there's any other</p> <p>20 opportunity to do something else to beautify the place</p> <p>21 a little bit.</p> <p>22 MRS. LANDI: Thank you.</p> <p>23 THE CHAIRMAN: I think that's what we're</p> <p>24 looking for. And then as far as the issues about the</p> <p>25 internal circulation, you know, and the tanker, I</p> <p style="text-align: right;">DIAMOND REPORTING 718-624-7200</p>
<p style="text-align: right;">18</p> <p>1 again. Well, the facts are as they are. I mean, we</p> <p>2 can't have the tanker on the sidewalk during the</p> <p>3 filling process. How that's handled on your side is</p> <p>4 going to be up to you, Mr. Gibbons.</p> <p>5 Also, as far as the landscaping is</p> <p>6 concerned, I would just say to do the best with what</p> <p>7 you have there. I don't see an elaborate plan that we</p> <p>8 would want to have, to be necessary, but something</p> <p>9 more than what we have would be nice.</p> <p>10 Mrs. Landi, do you have a idea of what</p> <p>11 you're looking for as far as how extensive the</p> <p>12 landscaping addition you would be looking for?</p> <p>13 MR. KUNTZ: Adelia, you're going to have to</p> <p>14 unmute yourself.</p> <p>15 MRS. LANDI: Yes.</p> <p>16 THE CHAIRMAN: Do you have in mind</p> <p>17 something, or are you just looking for something for</p> <p>18 the applicant to propose as far as what can be done</p> <p>19 with the landscaping on either side?</p> <p>20 MRS. LANDI: Well, facing the property on</p> <p>21 the right, I know that's pretty hard to do anything,</p> <p>22 but there's kind of a little bit of a retaining wall</p> <p>23 on the left.</p> <p>24 THE CHAIRMAN: Correct.</p> <p>25 MRS. LANDI: And some property that goes up.</p> <p style="text-align: right;">DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">20</p> <p>1 think you'll need to work specifically with the</p> <p>2 Traffic and Engineering and with Lee to see what would</p> <p>3 work best for that location.</p> <p>4 MR. GIBBONS: Okay.</p> <p>5 THE CHAIRMAN: But it is a concern of ours</p> <p>6 that we're looking to have you address.</p> <p>7 MR. GIBBONS: All right. I will reach out</p> <p>8 to Commissioner Ellman and to the Traffic Engineer and</p> <p>9 see what makes the most sense.</p> <p>10 THE CHAIRMAN: All right, thank you, Mr.</p> <p>11 Gibbons.</p> <p>12 Other members of the Board, any questions?</p> <p>13 MS. FORSBERG: I have a question about the</p> <p>14 soil disturbance to make room for the underground</p> <p>15 storage tank replacement. What kind of environmental</p> <p>16 testing is associated with the soil disturbance for</p> <p>17 this project?</p> <p>18 MR. GIBBONS: I'm not an expert on it, but</p> <p>19 some of the things that would be required, certainly</p> <p>20 when the tanks are removed and the excavation takes</p> <p>21 place, if there's any hint of contamination, the soil</p> <p>22 has to be sampled, it has to be sent to a lab and</p> <p>23 properly analyzed to see what's there. And,</p> <p>24 essentially, if there's any contamination at all,</p> <p>25 custom and practice is to completely remove all</p> <p style="text-align: right;">DIAMOND REPORTING 718-624-7200</p>

<p style="text-align: center;">21</p> <p>1 contaminated soil and then retest when the excavation 2 is completed, retest, make sure that the soil is 3 clean. And then, and only then, if the soil is clean, 4 then the process can continue, but contamination can't 5 exist if there is such thing in this location.</p> <p>6 MS. FORSBERG: Got you.</p> <p>7 THE CHAIRMAN: So, Mr. Gibbons, correct me 8 if I'm wrong, but if there's contamination of any 9 sort, doesn't it become a DEC issue?</p> <p>10 MR. GIBBONS: Probably.</p> <p>11 THE CHAIRMAN: And then they actually have 12 jurisdiction. And they probably, not probably, but I 13 think automatically it becomes a spill site, and then 14 there are requirements that they have for you to 15 correct the issue; is that correct?</p> <p>16 MR. GIBBONS: Yes, Mr. Chairman, that is 17 absolutely true. I simplified the process just to 18 indicate that we don't have permission to have any 19 contaminated soil there. And there's inspections, 20 sign-offs, and a very close process between the DEC 21 and the owners of the station and the contractor.</p> <p>22 MS. FORSBERG: Maybe it would benefit the 23 Board to just have a very brief outline of the 24 Department of Environmental Protection and 25 Environmental Conservation, whichever State agencies</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: center;">23</p> <p>1 plan review for a proposed side-by-side drive thru at 2 the existing McDonald's Restaurant and associated site 3 improvements at Block 188, Lot 11 on the property known 4 as 155 South Broadway pursuant to Article IX of the 5 Yonkers Zoning Ordinance.</p> <p>6 Keith Brown is representative for the 7 proposal. Are you here Mr. Brown?</p> <p>8 MR. BROWN: I am. Can you hear me okay?</p> <p>9 THE CHAIRMAN: Yes.</p> <p>10 MR. BROWN: How are you?</p> <p>11 THE CHAIRMAN: Good. Wait, I have some 12 feedback, let me just see what's going on, hang on.</p> <p>13 MR. KUNTZ: You're in twice, Keith. You're 14 in on your computer, you might be in twice on your 15 computer. There you go, you're just once.</p> <p>16 MR. BROWN: Good evening, Mr. Chairman, 17 hello members of the Board. I'm here in connection 18 with the McDonald's application on South Broadway in 19 the City of Yonkers. We've been in front of the Board 20 a few hearings now.</p> <p>21 The last issue that we believe we resolved 22 was the City Engineering Department had requested that 23 we put crosswalks in now for a pedestrian who's 24 crossing the parking lot. We have instances where 25 they have a portion of the parking lot, I forget the</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>
<p style="text-align: center;">22</p> <p>1 are involved, to just outline for the team what kind 2 of testing has to be done in order to prepare for an 3 excavation and tank replacement of this nature.</p> <p>4 MR. GIBBONS: Okay, I'll put that together, 5 I'll reach out to our team so we can provide an out- 6 line and we'll submit it. If anything else is needed, 7 we'll be glad to provide more.</p> <p>8 MS. FORSBERG: Thank you.</p> <p>9 THE CHAIRMAN: Thank you. Other members of 10 the Board?</p> <p>11 Okay, Mr. Gibbons, I'm going to ask for 12 your indulgence here to wait, I don't want to close 13 this item until 7 o'clock because I've been reminded 14 that we do have a public hearing portion of this and, 15 as is our custom, we wait until 7:00 p.m. in order to 16 open up the public hearing. So, I just ask if you 17 could stick around, or come back at 7 o'clock, we 18 would then have this item come back on and we would 19 take care of the public hearing portion of this item.</p> <p>20 MR. GIBBONS: Okay, I'll stand by and be 21 prepared to come back.</p> <p>22 THE CHAIRMAN: Great. Thank you very much, 23 Mr. Gibbons.</p> <p>24 MR. GIBBONS: Thank you.</p> <p>25 THE CHAIRMAN: Okay, item number 7 is a site</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: center;">24</p> <p>1 technical word for it but, basically, almost like a 2 safe haven where they could stop while they're 3 crossing to get from the parking spots on the south 4 side, cross the parking lot, hit the drive-thru into 5 the inside of the restaurant.</p> <p>6 So, we reached out to Engineering, we 7 discussed with them what they were looking for in 8 terms of, you know, cross hatching for a crosswalk. 9 We've added that to the site plan, which was filed 10 with the City Planning Department, and we're here 11 tonight hoping that it meets with your satisfaction so 12 we can get the site plan approval.</p> <p>13 THE CHAIRMAN: Thank you, Mr. Brown. 14 Actually, that's my understanding as well, that they 15 are now all set with your new proposal.</p> <p>16 Members of the Board, are there further 17 questions for the applicant?</p> <p>18 If not, then we'll move on to the SEQRA. Do 19 I have a motion for a negative declaration as to 20 SEQRA?</p> <p>21 MRS. LANDI: Mr. Chairman, I move --</p> <p>22 THE CHAIRMAN: So moved by Mrs. Landi, yes?</p> <p>23 MRS. LANDI: Yes.</p> <p>24 THE CHAIRMAN: Do I have a second?</p> <p>25 MS. BAKER: Second.</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>

<p style="text-align: right;">57</p> <p>1 stick me with IT, please.</p> <p>2 THE CHAIRMAN: You're just a one-trick pony.</p> <p>3 MR. ELLMAN: I am a one-trick pony,</p> <p>4 absolutely.</p> <p>5 THE CHAIRMAN: Or a one-horse pony as</p> <p>6 somebody once said.</p> <p>7 What I was going to do -- Mr. Haynes. Mr.</p> <p>8 Haynes, are you there?</p> <p>9 MR. HAYNES: Yes. Can you hear me?</p> <p>10 THE CHAIRMAN: Yes. All right, Tom, go</p> <p>11 ahead.</p> <p>12 MR. HAYNES: Mr. Chairman, members of the</p> <p>13 Board this is an application that you've seen numerous</p> <p>14 times before. My client has had a problem getting</p> <p>15 this closed out. We would run out of time on the</p> <p>16 Zoning Board and then we would miss Planning.</p> <p>17 Zoning had been extended. I understand that</p> <p>18 all of the inspections, fire and building, have been</p> <p>19 completed. The only thing we need to do is get this</p> <p>20 reapproved. Nothing has changed from, I think it was</p> <p>21 10 years ago, this application, and it was the</p> <p>22 construction of a rear exit stair.</p> <p>23 THE CHAIRMAN: That's my understanding, as</p> <p>24 well. I don't want to hold you up much further.</p> <p>25 Members of the Board, do we have any</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">59</p> <p>1 area variance from the Zoning Board of Appeals, Case</p> <p>2 Number 5182, which was approved by the Board on</p> <p>3 October 20, 2009. Subsequently, the Planning Board</p> <p>4 issued an approval for the stairs on March 4, 2010.</p> <p>5 3. The 2010 application was reapproved in</p> <p>6 2018 and issued an extension approval in 2019.</p> <p>7 4. This application is essentially a</p> <p>8 re-approval of the previously reviewed material from</p> <p>9 2010 and 2018 as the approvals for the project have</p> <p>10 lapsed.</p> <p>11 The site plan presented to the Planning</p> <p>12 Board at its meeting of January 13, 2021 is approved</p> <p>13 subject to the following condition:</p> <p>14 1. All improvements made to this site and</p> <p>15 all conditions imposed by the Zoning Board of Appeals</p> <p>16 and Planning Board shall remain in full force and</p> <p>17 effect as long as the site remains occupied.</p> <p>18 The Planning Board renders its decision</p> <p>19 based upon the facts and findings available to it,</p> <p>20 specifically:</p> <p>21 1. Report by the Planning Bureau.</p> <p>22 2. Report by the City Engineer.</p> <p>23 3. General knowledge of the area.</p> <p>24 Mr. Chairman.</p> <p>25 THE CHAIRMAN: Thank you, Mrs. Landi. Do I</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>
<p style="text-align: right;">58</p> <p>1 questions on this item?</p> <p>2 If not, then I'll entertain first a motion</p> <p>3 as to SEQRA, a negative declaration.</p> <p>4 MRS. LANDI: I'll make a motion.</p> <p>5 THE CHAIRMAN: So moved by Mrs. Landi. Do I</p> <p>6 have a second?</p> <p>7 DR. GILLAN: Second.</p> <p>8 THE CHAIRMAN: Second by Dr. Gillan.</p> <p>9 All in favor, please indicate by saying aye.</p> <p>10 (A chorus of ayes.)</p> <p>11 THE CHAIRMAN: Oppose, nay.</p> <p>12 That passes unanimously.</p> <p>13 Now a resolution on the item itself.</p> <p>14 MRS. LANDI: Mr. Chairman, I'll read the</p> <p>15 resolution.</p> <p>16 THE CHAIRMAN: Please, go ahead.</p> <p>17 MRS. LANDI: Okay. Mr. Chairman, this is a</p> <p>18 resolution to approve the site plan for a proposed</p> <p>19 rear egress stair at Block 452, Lot 30 on the property</p> <p>20 known as 161, also known as 159 Elm Street pursuant to</p> <p>21 Article IX of the Yonkers Zoning Ordinance.</p> <p>22 Findings:</p> <p>23 1. This is an application for a rear egress</p> <p>24 stair at existing 8-family dwelling.</p> <p>25 2. The proposed rear egress required an</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">60</p> <p>1 have a second on the proposed resolution?</p> <p>2 MS. FORSBERG: Second.</p> <p>3 THE CHAIRMAN: Second by Ms. Forsberg.</p> <p>4 Mr. Haynes, you heard the one condition, I</p> <p>5 assume it's all acceptable and understood?</p> <p>6 MR. HAYNES: Correct, acceptable and</p> <p>7 understood.</p> <p>8 THE CHAIRMAN: I'll move to vote on a</p> <p>9 resolution. All in favor, please indicate by saying</p> <p>10 aye.</p> <p>11 (A chorus of ayes.)</p> <p>12 THE CHAIRMAN: Oppose, nay.</p> <p>13 That passes unanimously.</p> <p>14 Thank you very much.</p> <p>15 MR. HAYNES: Thank you. Good night.</p> <p>16 THE CHAIRMAN: Okay, now we're going to move</p> <p>17 back to item number 6, which we started before and</p> <p>18 held over for later in the meeting. It is a site plan</p> <p>19 review and special use permit application for a</p> <p>20 proposed convenient store and gas station at Block</p> <p>21 3039, Lot 22.23 on the property known as 1055, also</p> <p>22 known as 1061 Nepperhan Avenue pursuant to Article VII</p> <p>23 and IX of the Yonkers Zoning Ordinance.</p> <p>24 Mr. Gibbons is here as a representative for</p> <p>25 the proposal.</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>



<p style="text-align: right;">61</p> <p>1 We are now going into the public hearing  2 portion of this item. Let the record reflect that it  3 is now 7:05, or 7:04 p.m. Is there anyone on this  4 call, on this Zoom meeting, who wants to speak on this  5 item, comments, questions? Please unmute yourself  6 first and then present your question or comment.  7 (No response.)  8 THE CHAIRMAN: Okay, let the record reflect  9 that there was no person that was volunteering to  10 question or take part in the discussion on this  11 matter. I will entertain a motion to -- Well, first  12 of all, are we good with the public hearing,  13 Christine, notices, everything done?  14 MS. CARNEY: Yes, Mr. Chairman, all the  15 notices have been done. If you could, Deputy  16 Commissioner Ellum has asked that we keep the public  17 hearing open for this evening just in case anybody  18 comes up with anything, and then we'll close it in  19 February.  20 THE CHAIRMAN: Okay, we're coming back in  21 February anyhow, so let's just do that.  22 MR. KUNTZ: Mr. Chairman.  23 THE CHAIRMAN: Yes.  24 MR. KUNTZ: I'm just going to let everyone  25 know that is on a phone, if they want to unmute  DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">63</p> <p>1 known as 41 Buena Vista Avenue, 20 Palsade Avenue, 7  2 Overlook Terrace, 15 Overlook Terrace, 23 Overlook  3 Terrace, 12 and 14 Overlook Terrace, 14 North  4 Broadway, Part, 18 North Broadway, 52 North Broadway,  5 2 Baldwin Place, and 10 Baldwin Place.  6 Mr. Mark Weingarten is here for the proposal  7 as are members of the BFJ, that's Sarah Yackel, I  8 believe is here, our consultants. And, Lee. I  9 believe both you and Ms. Yackel will be giving a  10 presentation; is that correct?  11 MR. ELLMAN: As well as Mr. Fish is here,  12 also, Frank Fish, yes.  13 THE CHAIRMAN: Frank Fish, also. Welcome.  14 MR. ELLMAN: Mark, if you don't mind, I  15 think I would like to start with Sarah and Frank just  16 to bring us up to where we are with scoping.  17 MR. WEINGARTEN: No objection.  18 MR. ELLMAN: Thank you.  19 So, the Board opened scoping at its November  20 meeting, we had a scoping session two weeks later, and  21 had a close of comments December 21st.  22 We have at this time 114 comments. And we  23 did continue accepting comments beyond the hard, the  24 not so hard, deadline, frankly. Councilwoman Williams  25 held a community meeting that happened to occur after  DIAMOND REPORTING 718-624-7200</p>
<p style="text-align: right;">62</p> <p>1 themselves, they have to hit star six.  2 THE CHAIRMAN: Okay. So, once again, if  3 you're here on this item, that's item number 6, which  4 is the 1055, also known as 1061, Nepperhan Avenue, and  5 you would like to speak, please hit your star six on  6 your phone if you're calling in.  7 (No response.)  8 THE CHAIRMAN: Okay, still no one. We're  9 going to hold this open until we meet again next  10 month.  11 Mr. Gibbons, I thank you very much for  12 waiting.  13 MR. GIBBONS: Thank you, Mr. Chairman, I  14 appreciate it.  15 THE CHAIRMAN: Okay, we're closing item  16 number 6.  17 Moving to item 14, which is the AMS downtown  18 zoning petition referral from the Yonkers City Council  19 for amendments to the Zoning Map and Zoning Ordinance  20 affecting the real properties commonly known as the  21 Teutonia Hall site, the Chicken Island site, and the  22 North Broadway site as designated on the Tax Map of  23 the City of Yonkers as Block 512, Lot 11, Block 485,  24 Lot 1, Block 2018, Lots 8, 12, 16, 18, 20, 25, 48  25 (Part), 51, 56, 57, 68, 71 and 75 on the properties  DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">64</p> <p>1 the close of the comments. We accepted the comments  2 that came in as a part of that meeting, and the  3 Mayor's Green City Advisory Committee also just  4 recently made comments.  5 Our sense is that we are better to have the  6 comments and to accept them than to be in any way  7 doctrinaire. We have gotten some interesting and,  8 frankly, useful perspective on the, on what needs to  9 be looked at with the downtown rezoning EIS. And,  10 ultimately, my goal for the City with this EIS is to  11 come to the end of the EIS with everyone involved as  12 satisfied as they possibly can be that their comments  13 were taken into account, and that we can have no rush  14 of issues that show up at the last moment. So, I'd  15 rather take a little bit more time at the beginning so  16 that we we don't have a kind of crazy rush at the end.  17 We are at the point where we have been, the  18 comments that we have received from the public and  19 from other agencies to the applicant's planning  20 consultant, AKRF, Nina Peek is handling that for them.  21 We have gotten back a second draft scope, which we are  22 also going over. In fact, we will have a meeting with  23 both teams tomorrow.  24 As we are finalizing the table of contents,  25 the other work of completing the, or starting to work  DIAMOND REPORTING 718-624-7200</p>

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2  
3 STATE OF NEW YORK  
4 COUNTY OF WESTCHESTER

5 I, CATHERINE ARMENTANO, Notary Public within and  
6 for the State of New York, do hereby certify that the  
7 within is a true and accurate transcript of the virtual  
8 proceedings taken on January 13, 2021  
9

10  
11 I further certify that I am not related to any  
12 of the parties to this action by blood or marriage and  
13 that I am in no way interested in the outcome of this  
14 matter.  
15

16  
17  
18 Dated, New York,  
19

20  
21 \_\_\_\_\_  
22 CATHERINE ARMENTANO  
23  
24  
25

DIAMOND REPORTING 718-624-7200

MIKE SPANO  
MAYOR

LOUIS J. ALBANO  
COMMISSIONER

LEE J. ELLMAN, AICP  
DEPUTY COMMISSIONER

ZACHARY J. NERSINGER  
PLANNING DIRECTOR



87 NEPPERHAN AVENUE, ROOM 320  
YONKERS, NEW YORK 10701-3892  
914-377-6555  
FAX 914-377-6552

PLANNING BUREAU  
CITY OF YONKERS

April 15, 2021

Mr. Michael Khader, City Council President  
City of Yonkers, City Council  
40 South Broadway  
Yonkers, NY 10701

Dear Mr. Khader:

The following matter was referred to the Yonkers Planning Board:

**A SITE PLAN AND SPECIAL USE PERMIT APPLICATION FOR A GAS STATION WITH  
CONVENIENCE STORE AT BLOCK: 3039 LOT: 22.23 ON THE PROPERTY KNOWN AS 1055  
AKA 1061 NEPPERHAN AVENUE PURSUANT TO ARTICLE VII AND ARTICLE IX OF THE  
YONKERS ZONING ORDINANCE**

The site plan and special use presented to the Planning Board at its meeting of April 14, 2021 is approved with the following conditions:

1. The site plans have been designed to provide space within the site for the required turning movements of the fuel delivery vehicles. Therefore, fuel delivery vehicles shall not be permitted to park and re-fuel the tanks from Nepperhan Avenue.
2. Electric vehicle (EV) charging stations are not permitted in the parking spaces. The applicant has removed the originally proposed EV charging stations to provide the necessary off street parking for the use of the property. In turn, the revised plans show the relocation of select parking spaces to the rear of the site where the EV charging stations were previously proposed, which provided adequate space for the turning movements of the fuel delivery vehicles.
3. Clothing donation bins shall not be permitted on the site.
4. Parking on the sidewalk between the curb cuts along Nepperhan Avenue is strictly prohibited.
5. Goods for sale or purchase are not permitted on the sidewalk area adjacent to the convenience store. This includes, but is not limited to, ice freezers, propane tanks, firewood, and automobile supplies.
6. No more than 25% of the window area of any pane of glass, including the front door, shall be covered with any signs. This includes, but is not limited to, interior paper signs, exterior glass signs, neon and other illuminated signs.
7. No temporary signs on the sidewalk. Banners, pennants, streamers, signs, or the like shall not be permitted to be flown from the site, the fuel pump canopy or from the building.
8. Any deviation from the approved plan shall requires a new application.

9. All conditions imposed by the Planning Board and the Zoning Board of Appeals (case #5676) remain in full force and effect for the life of the project.

The Planning Board's resolution and a copy of the public hearing minutes are attached for your files.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Kozicky'.

Roman Kozicky  
Planning Board Chairman

Attachment

cc: V. Spano  
V. Pici  
M. Gallagher  
A. Natchev  
J. Gibbons  
Plan File

## **PLANNING BOARD RESOLUTION**

### **RESOLUTION TO APPROVE A SITE PLAN AND SPECIAL USE PERMIT APPLICATION FOR A GAS STATION WITH CONVENIENCE STORE AT BLOCK: 3039 LOT: 22.23 ON THE PROPERTY KNOWN AS 1055 AKA 1061 NEPPERHAN AVENUE PURSUANT TO ARTICLE VII AND ARTICLE IX OF THE YONKERS ZONING ORDINANCE**

#### **Findings:**

1. The applicant is proposing to demolish the existing convenience store and repair garage, remove the existing pump island and underground fuel tanks, and construct a new gas station with two pump islands, two underground fuel tanks and a convenience store. The application being presented to the board is not for a 24 hour special use permit. Therefore, the business must close at midnight (12:00 AM).

The site plan and special use permit application presented to the Planning Board at its meeting of April 14, 2021 is approved with the following conditions:

1. The site plans have been designed to provide space within the site for the required turning movements of the fuel delivery vehicles. Therefore, fuel delivery vehicles shall not be permitted to park and re-fuel the tanks from Nepperhan Avenue.
2. Electric vehicle (EV) charging stations are not permitted in the parking spaces. The applicant has removed the originally proposed EV charging stations to provide the necessary off street parking for the use of the property. In turn, the revised plans show the relocation of select parking spaces to the rear of the site where the EV charging stations were previously proposed, which provided adequate space for the turning movements of the fuel delivery vehicles.
3. Clothing donation bins shall not be permitted on the site.
4. Parking on the sidewalk between the curb cuts along Nepperhan Avenue is strictly prohibited.
5. Goods for sale or purchase are not permitted on the sidewalk area adjacent to the convenience store. This includes, but is not limited to, ice freezers, propane tanks, firewood, and automobile supplies.
6. No more than 25% of the window area of any pane of glass, including the front door, shall be covered with any signs. This includes, but is not limited to, interior paper signs, exterior glass signs, neon and other illuminated signs.
7. No temporary signs on the sidewalk. Banners, pennants, streamers, signs, or the like shall not be permitted to be flown from the site, the fuel pump canopy or from the building.
8. Any deviation from the approved plan shall requires a new application.
9. All conditions imposed by the Planning Board and the Zoning Board of Appeals (case #5676) remain in full force and effect for the life of the project.

The Planning Board renders its decision based upon facts and findings available to it, specifically:

1. Report by the Planning Bureau, dated September 9, 2020.
2. Report by the Fire Department, dated September 4, 2020 and March 27, 2021.
3. Report by the City Engineer, dated September 4, 2020, January 11, 2021 and April 9, 2021.
4. Report by the Traffic Engineer, dated September 8, 2020.
5. General knowledge of the area.

Date: April 14, 2021

Motion by: M. Gillan

Seconded by: E. Murray

By a vote of: 6-0 (1 vacant)

1 STATE OF NEW YORK  
CITY OF YONKERS

MINUTES OF  
THE CITY OF YONKERS PLANNING BOARD  
JANUARY 13, 2021 - 5:37 P.M.

AT

VIRTUAL MEETING  
PURSUANT TO GOVERNOR CUOMO'S  
EXECUTIVE ORDER 202.1

BEFORE:

ROMAN KOZICKY, CHAIRMAN  
DAWN DAHER, MEMBER  
MACKENZIE FORSBERG, MEMBER  
DR. MICHAEL GILLAN, MEMBER  
ADELTA LANDI, MEMBER  
JOHN LARKIN, MEMBER

PRESENT:

LEE ELLMAN, PLANNING DIRECTOR  
CHRISTINE CARNEY, PLANNING DEPARTMENT  
ALAIN HACHEV, ASSISTANT CORP. COUNSEL  
GEORGE KUNTZ, CITY OF YONKERS

DIAMOND REPORTING 718-624-7200

THE CHAIRMAN: Good evening. This is the Yonkers Planning Board, we are meeting pursuant to Governor Cuomo's Executive Order 202.1. We're conducting this meeting on Wednesday, January 13, 2021. It is now about 5:37 in the evening, and the meeting is a distant/virtual meeting, there is no in-person attendance at this meeting.

This meeting is being televised and on this virtual meeting platform. If you need information on how to attend the virtual meeting, you can find that information at [www.yonkersny.gov](http://www.yonkersny.gov).

Please note that any matter requiring a public hearing will be heard after 7:00 p.m., and that items may be taken out of order in order to accommodate public comment or as the Board may deem necessary.

Item number 1 are the minutes of the special Planning Board meeting that was held on November 30, 2020.

Members of the Board, those meeting minutes were part of your packages that you had delivered. You had the opportunity to review them, are there any changes, corrections, modifications, comments?

If not, I'll look for a motion to accept the minutes.

DIAMOND REPORTING 718-624-7200

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DR. GILLAN: So moved.

THE CHAIRMAN: So moved by Dr. Gillan.  
Seconded by --

MS. FORSBERG: Second.

THE CHAIRMAN: -- Ms. Forsberg. All in favor, please indicate by saying aye.

(A chorus of ayes.)

THE CHAIRMAN: Oppose, nay. I don't see any.

That's unanimous.

The second item are the minutes of the regular Planning Board meeting that were held on December 9th of 2020. Those were made part of your package and you had the opportunity to review them. Are there any changes, comments, corrections?

If not, I'll entertain a motion to accept --  
Somebody is --

(Whereupon there was a pause in the proceedings.)

THE CHAIRMAN: Okay. So, do I have a motion to accept the minutes of the December 9th Planning Board meeting as presented?

MRS. LANDI: Move to accept the minutes of the December meeting.

THE CHAIRMAN: So moved by Mrs. Landi. Do I  
DIAMOND REPORTING 718-624-7200

<p style="text-align: right;">9</p> <p>1 properly.</p> <p>2 So, why don't we go with that, Lee, make a</p> <p>3 note. And if you can have any of the members of the</p> <p>4 Board that wish to attend short of a quorum, we'd like</p> <p>5 to, or I, at least, would like to be part of that</p> <p>6 meeting.</p> <p>7 All right, thank you very much, and I'll</p> <p>8 look forward to coming in on that meeting, as well.</p> <p>9 We're going to move on to Item number 6 now.</p> <p>10 Item number 6 is a site plan review and special use</p> <p>11 permit application for a proposed convenience store</p> <p>12 and gas station at Block 3039, Lots 22.23 on the</p> <p>13 property known as 1055, also known as, 1061 Nepperhan</p> <p>14 Avenue pursuant to Article VII and Article IX of the</p> <p>15 Yonkers Zoning Ordinance.</p> <p>16 Mr. James Gibbons, representative for the</p> <p>17 proposal.</p> <p>18 MR. GIBBONS: Good evening, Mr. Chairman</p> <p>19 and members of the Board, James Gibbons here. I can</p> <p>20 give you an update if you would like me to begin, or</p> <p>21 if something else has to be done first, I'll stand by.</p> <p>22 THE CHAIRMAN: No, no, I understand the</p> <p>23 revised plans were submitted. They're currently being</p> <p>24 reviewed and we're still waiting for Traffic and</p> <p>25 Engineering comments, especially with regards to</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">11</p> <p>1 those and respond to them at the appropriate time.</p> <p>2 But that's the update and I appreciate the</p> <p>3 Board's time.</p> <p>4 I don't hear anyone speaking.</p> <p>5 MRS. LANDI: Mr. Chairman.</p> <p>6 THE CHAIRMAN: I'm muted, I apologize.</p> <p>7 MRS. LANDI: Okay.</p> <p>8 THE CHAIRMAN: I'm not as an expert as Lee</p> <p>9 is with these technological advances.</p> <p>10 MR. KUNTZ: Sorry, I didn't know you were</p> <p>11 muted, I would have unmuted you.</p> <p>12 THE CHAIRMAN: What I was going to say is</p> <p>13 some of the items that you addressed, that you</p> <p>14 mentioned that you are currently addressing, that</p> <p>15 would include the sidewalk, there will be the sidewalk</p> <p>16 continuation and the defined curb cut for the entrance</p> <p>17 to the property; is that correct?</p> <p>18 MR. GIBBONS: Yes, Mr. Chairman. The</p> <p>19 comments we have show the curb cut widths, but the</p> <p>20 implication is to put the sidewalks in, so I'll make a</p> <p>21 note of that, as well.</p> <p>22 THE CHAIRMAN: Okay. Also, we would like to</p> <p>23 see how the gas tanker delivery, not only the timing</p> <p>24 of it, but how it would look going through the</p> <p>25 property so that the deliveries can be accomplished</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>
<p style="text-align: right;">10</p> <p>1 circulation. And I had some initial questions, but</p> <p>2 why don't you do a presentation first for the Board,</p> <p>3 and for whoever is watching, and then we can get to</p> <p>4 those questions.</p> <p>5 MR. GIBBONS: Thank you, Mr. Chairman.</p> <p>6 So, what we did, we resubmitted providing</p> <p>7 the additional information for the special use permit.</p> <p>8 We addressed most of the comments that were</p> <p>9 outstanding, but we do have a copy of Engineering's</p> <p>10 January 11th comments, and we have three comments to</p> <p>11 address for the Board.</p> <p>12 Those are indicated proposed utility</p> <p>13 services to the building, indicated curb cut widths,</p> <p>14 and the ADA ramp has to be in the walkway, not in the</p> <p>15 asphalt area. So, we have those, we're going to work</p> <p>16 on those for the next meeting.</p> <p>17 And the other outstanding item was to</p> <p>18 provide a schedule of the gasoline deliveries. So,</p> <p>19 it's been a few months since we first met, I want to</p> <p>20 give the Board a complete delivery schedule and get</p> <p>21 that in next week for the last couple of months with</p> <p>22 these additional comments.</p> <p>23 Everything else I think we've addressed, but</p> <p>24 the various departments that are reviewing give the</p> <p>25 opportunity to give us comments, so we will await</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">12</p> <p>1 without obviously extending out to the street and/or</p> <p>2 the sidewalk during the delivery if that's possible.</p> <p>3 MR. GIBBONS: Okay. Would the Board like to</p> <p>4 do a site visit or should I get something for your</p> <p>5 review?</p> <p>6 THE CHAIRMAN: What we usually do, well, if</p> <p>7 you give us the schedule, any of the Board members can</p> <p>8 possibly go there, but I think you're putting in an</p> <p>9 additional set of pumps now, so the layout will be a</p> <p>10 little different than there is right now. So, I</p> <p>11 think, basically, if you give us schematically on the</p> <p>12 drawing what that turnaround would like like, I think</p> <p>13 that would probably be sufficient.</p> <p>14 MR. GIBBONS: Okay. We made some code</p> <p>15 references to the turnaround, so I'll enhance that a</p> <p>16 little bit and try to make it as clear as possible</p> <p>17 with how the delivery trucks will be in conformance</p> <p>18 with delivery.</p> <p>19 THE CHAIRMAN: Okay. Members of the Board,</p> <p>20 questions?</p> <p>21 MRS. LANDI: Yes, I have a comment, please.</p> <p>22 THE CHAIRMAN: Yes.</p> <p>23 MRS. LANDI: Okay, on the plans, there was a</p> <p>24 page where it says landscape. I don't see any</p> <p>25 landscape on that, on those drawings. And then I also</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>

<p style="text-align: center;">13</p> <p>1 had a question about space number 4, I assume that 2 must be the parking space on the right of that ADA 3 spot?</p> <p>4 And the other concern I had was the radius. 5 If that is the radius for the deliveries, how does 6 that affect a fire truck or an emergency vehicle?</p> <p>7 MR. GIBBONS: For the landscape, we do have 8 a lot of vegetation that we're planting. I think 9 Commissioner Ellman indicated maybe the last time we 10 met, which was a few months ago, that fencing may be 11 part of landscaping. So, we did enhance the fencing 12 on the property to create some shading from the 13 residential properties, but we don't have a lot of new 14 plantings in this area.</p> <p>15 It's currently a blacktop area in the way it 16 is now, and we were hoping to remain that way unless 17 the Board had suggestions, then we can implement 18 those.</p> <p>19 THE CHAIRMAN: I'm sorry, I was looking at 20 something on my notes here. What was the question?</p> <p>21 MRS. LANDI: I was wondering if there were 22 any large, if there were any spots where we could put 23 some large pots and then have some kind of a tree or 24 something. There's nothing here.</p> <p>25 THE CHAIRMAN: Well, from what I remember, DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: center;">15</p> <p>1 as part of the site plan, the Planning Board can 2 request as part of the site plan that the building be 3 moved back additionally both to create some area for 4 either bollards in between the area that the cars go 5 into to gas up and give some more room for the tanker 6 truck.</p> <p>7 I was going to suggest that at a minimum 8 there be bollards placed just inside the property line 9 because a constant problem that we have with gas 10 stations, and I'm sure that I saw it here, it is not 11 just this gas station, is people pulling up half on 12 the sidewalk, half on the site. One way to deal with 13 that when there is not a lot of room is to put in 14 bollards.</p> <p>15 I am not a fan of the big pot idea because 16 unless you are in a manicured office setting, the big 17 pots don't get taken care of, they're hard to, they're 18 usually never large enough for a tree not to be killed 19 because of too little space for it, and they end up 20 being very large ashtrays.</p> <p>21 So, I would, if there was no room, I would 22 go with bollards to give some pedestrian safety. If 23 there is more room, if the applicant can move the 24 project back a number of feet, move everything farther 25 back off of the sidewalk, then there would be room for DIAMOND REPORTING 718-624-7200</p>
<p style="text-align: center;">14</p> <p>1 it's a pretty tight property on both sides, and the 2 back is a huge rock. I'm actually interested in 3 seeing how that excavation in the back is going to be 4 done.</p> <p>5 The right side as you're facing the 6 property, there's an existing fence right now; is that 7 correct, Mr. Gibbons?</p> <p>8 MR. GIBBONS: There is an existing fence, 9 but we were going to enhance it to make sure that we 10 have excellent screening from the residential 11 neighbor.</p> <p>12 THE CHAIRMAN: That will be the vinyl 13 fencing, the standard 6-foot vinyl fence?</p> <p>14 MR. GIBBONS: We were thinking of that if 15 that's appropriate. Otherwise, if it was going to be 16 a chain-link, a little bit more sturdy just to put the 17 vans in the link and block out the view, but the vinyl 18 fencing would work, too.</p> <p>19 THE CHAIRMAN: Lee, I don't have the plan in 20 front of me, is there room for landscaping 21 realistically along either side of the property? I 22 know the back doesn't lend itself to that.</p> <p>23 MR. ELLMAN: I mean, it all depends on how 24 much the applicant is willing to move the building and 25 work with the excavation they need to do. They could, DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: center;">16</p> <p>1 some sort of a planter area that's wide enough to 2 maintain the plants in the area between the -- it all 3 depends on what the applicant is able and willing to 4 do and how much the Board is interested in pushing.</p> <p>5 I would, I do note though that there is no 6 detail for any kind of a fence. So, you know, Mr. 7 Gibbons, if you want to do it, you got to put it on 8 your plan, you got to put it on and show us the 9 detail.</p> <p>10 MR. GIBBONS: Yes, Mr. Chairman.</p> <p>11 MRS. LANDI: Mr. Ellman, the property on the 12 left of the pumps, is that not property that you could 13 have planting in?</p> <p>14 MR. ELLMAN: There is an existing, I mean, 15 there is a sliver of space between the existing block 16 wall and the property line. Yes, I'm sure something 17 can be done there. There's not very much room there 18 today, you know, we -- What is that?</p> <p>19 MR. KUNTZ: Feedback. We got rid of it.</p> <p>20 MR. ELLMAN: Just the feedback, I hope.</p> <p>21 So, we're dealing with a, you know, a legacy 22 problem. I'll ask, I think we need to ask Mr. Gibbons 23 to examine that, as well as to examine what can be 24 done to perhaps move everything to the east 25 sufficiently to give himself better clearance for the DIAMOND REPORTING 718-624-7200</p>



<p style="text-align: right;">21</p> <p>1 contaminated soil and then retest when the excavation 2 is completed, retest, make sure that the soil is 3 clean. And then, and only then, if the soil is clean, 4 then the process can continue, but contamination can't 5 exist if there is such thing in this location. 6 MS. FORSBERG: Got you. 7 THE CHAIRMAN: So, Mr. Gibbons, correct me 8 if I'm wrong, but if there's contamination of any 9 sort, doesn't it become a DEC issue? 10 MR. GIBBONS: Probably. 11 THE CHAIRMAN: And then they actually have 12 jurisdiction. And they probably, not probably, but I 13 think automatically it becomes a spill site, and then 14 there are requirements that they have for you to 15 correct the issue; is that correct? 16 MR. GIBBONS: Yes, Mr. Chairman, that is 17 absolutely true. I simplified the process just to 18 indicate that we don't have permission to have any 19 contaminated soil there. And there's inspections, 20 sign-offs, and a very close process between the DEC 21 and the owners of the station and the contractor. 22 MS. FORSBERG: Maybe it would benefit the 23 Board to just have a very brief outline of the 24 Department of Environmental Protection and 25 Environmental Conservation, whichever State agencies DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">23</p> <p>1 plan review for a proposed side-by-side drive thru at 2 the existing McDonald's Restaurant and associated site 3 improvements at Block 188, Lot 11 on the property known 4 as 155 South Broadway pursuant to Article IX of the 5 Yonkers Zoning Ordinance. 6 Keith Brown is representative for the 7 proposal. Are you here Mr. Brown? 8 MR. BROWN: I am. Can you hear me okay? 9 THE CHAIRMAN: Yes. 10 MR. BROWN: How are you? 11 THE CHAIRMAN: Good. Wait, I have some 12 feedback, let me just see what's going on, hang on. 13 MR. KUNTZ: You're in twice, Keith. You're 14 in on your computer, you might be in twice on your 15 computer. There you go, you're just once. 16 MR. BROWN: Good evening, Mr. Chairman, 17 hello members of the Board. I'm here in connection 18 with the McDonald's application on South Broadway in 19 the City of Yonkers. We've been in front of the Board 20 a few hearings now. 21 The last issue that we believe we resolved 22 was the City Engineering Department had requested that 23 we put crosswalks in now for a pedestrian who's 24 crossing the parking lot. We have instances where 25 they have a portion of the parking lot, I forget the DIAMOND REPORTING 718-624-7200</p>
<p style="text-align: right;">22</p> <p>1 are involved, to just outline for the team what kind 2 of testing has to be done in order to prepare for an 3 excavation and tank replacement of this nature. 4 MR. GIBBONS: Okay, I'll put that together, 5 I'll reach out to our team so we can provide an out- 6 line and we'll submit it. If anything else is needed, 7 we'll be glad to provide more. 8 MS. FORSBERG: Thank you. 9 THE CHAIRMAN: Thank you. Other members of 10 the Board? 11 Okay, Mr. Gibbons, I'm going to ask for 12 your indulgence here to wait, I don't want to close 13 this item until 7 o'clock because I've been reminded 14 that we do have a public hearing portion of this and, 15 as is our custom, we wait until 7:00 p.m. in order to 16 open up the public hearing. So, I just ask if you 17 could stick around, or come back at 7 o'clock, we 18 would then have this item come back on and we would 19 take care of the public hearing portion of this item. 20 MR. GIBBONS: Okay, I'll stand by and be 21 prepared to come back. 22 THE CHAIRMAN: Great. Thank you very much, 23 Mr. Gibbons. 24 MR. GIBBONS: Thank you. 25 THE CHAIRMAN: Okay, item number 7 is a site DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">24</p> <p>1 technical word for it but, basically, almost like a 2 safe haven where they could stop while they're 3 crossing to get from the parking spots on the south 4 side, cross the parking lot, hit the drive-thru into 5 the inside of the restaurant. 6 So, we reached out to Engineering, we 7 discussed with them what they were looking for in 8 terms of, you know, cross hatching for a crosswalk. 9 We've added that to the site plan, which was filed 10 with the City Planning Department, and we're here 11 tonight hoping that it meets with your satisfaction so 12 we can get the site plan approval. 13 THE CHAIRMAN: Thank you, Mr. Brown. 14 Actually, that's my understanding as well, that they 15 are now all set with your new proposal. 16 Members of the Board, are there further 17 questions for the applicant? 18 If not, then we'll move on to the SEQRA. Do 19 I have a motion for a negative declaration as to 20 SEQRA? 21 MRS. LANDI: Mr. Chairman, I move -- 22 THE CHAIRMAN: So moved by Mrs. Landi, yes? 23 MRS. LANDI: Yes. 24 THE CHAIRMAN: Do I have a second? 25 MS. BAKER: Second. DIAMOND REPORTING 718-624-7200</p>

<p style="text-align: right;">57</p> <p>1 stick me with IT, please.</p> <p>2 THE CHAIRMAN: You're just a one-trick pony.</p> <p>3 MR. ELLMAN: I am a one-trick pony,</p> <p>4 absolutely.</p> <p>5 THE CHAIRMAN: Or a one-horse pony as</p> <p>6 somebody once said.</p> <p>7 What I was going to do -- Mr. Haynes. Mr.</p> <p>8 Haynes, are you there?</p> <p>9 MR. HAYNES: Yes. Can you hear me?</p> <p>10 THE CHAIRMAN: Yes. All right, Tom, go</p> <p>11 ahead.</p> <p>12 MR. HAYNES: Mr. Chairman, members of the</p> <p>13 Board this is an application that you've seen numerous</p> <p>14 times before. My client has had a problem getting</p> <p>15 this closed out. We would run out of time on the</p> <p>16 Zoning Board and then we would miss Planning.</p> <p>17 Zoning had been extended. I understand that</p> <p>18 all of the inspections, fire and building, have been</p> <p>19 completed. The only thing we need to do is get this</p> <p>20 reapproved. Nothing has changed from, I think it was</p> <p>21 10 years ago, this application, and it was the</p> <p>22 construction of a rear exit stair.</p> <p>23 THE CHAIRMAN: That's my understanding, as</p> <p>24 well. I don't want to hold you up much further.</p> <p>25 Members of the Board, do we have any</p> <p>DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">59</p> <p>1 area variance from the Zoning Board of Appeals, Case</p> <p>2 Number 5182, which was approved by the Board on</p> <p>3 October 20, 2009. Subsequently, the Planning Board</p> <p>4 issued an approval for the stairs on March 4, 2010.</p> <p>5 3. The 2010 application was reapproved in</p> <p>6 2018 and issued an extension approval in 2019.</p> <p>7 4. This application is essentially a</p> <p>8 re-approval of the previously reviewed material from</p> <p>9 2010 and 2018 as the approvals for the project have</p> <p>10 lapsed.</p> <p>11 The site plan presented to the Planning</p> <p>12 Board at its meeting of January 13, 2021 is approved</p> <p>13 subject to the following condition:</p> <p>14 1. All improvements made to this site and</p> <p>15 all conditions imposed by the Zoning Board of Appeals</p> <p>16 and Planning Board shall remain in full force and</p> <p>17 effect as long as the site remains occupied.</p> <p>18 The Planning Board renders its decision</p> <p>19 based upon the facts and findings available to it,</p> <p>20 specifically:</p> <p>21 1. Report by the Planning Bureau.</p> <p>22 2. Report by the City Engineer.</p> <p>23 3. General knowledge of the area.</p> <p>24 Mr. Chairman.</p> <p>25 THE CHAIRMAN: Thank you, Mrs. Landi. Do I</p> <p>DIAMOND REPORTING 718-624-7200</p>
<p style="text-align: right;">58</p> <p>1 questions on this item?</p> <p>2 If not, then I'll entertain first a motion</p> <p>3 as to SEQRA, a negative declaration.</p> <p>4 MRS. LANDI: I'll make a motion.</p> <p>5 THE CHAIRMAN: So moved by Mrs. Landi. Do I</p> <p>6 have a second?</p> <p>7 DR. GILLAN: Second.</p> <p>8 THE CHAIRMAN: Second by Dr. Gillan.</p> <p>9 All in favor, please indicate by saying aye.</p> <p>10 (A chorus of ayes.)</p> <p>11 THE CHAIRMAN: Oppose, nay.</p> <p>12 That passes unanimously.</p> <p>13 Now a resolution on the item itself.</p> <p>14 MRS. LANDI: Mr. Chairman, I'll read the</p> <p>15 resolution.</p> <p>16 THE CHAIRMAN: Please, go ahead.</p> <p>17 MRS. LANDI: Okay. Mr. Chairman, this is a</p> <p>18 resolution to approve the site plan for a proposed</p> <p>19 rear egress stair at Block 452, Lot 30 on the property</p> <p>20 known as 161, also known as 159 Elm Street pursuant to</p> <p>21 Article IX of the Yonkers Zoning Ordinance.</p> <p>22 Findings:</p> <p>23 1. This is an application for a rear egress</p> <p>24 stair at existing 8-family dwelling.</p> <p>25 2. The proposed rear egress required an</p> <p>DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">60</p> <p>1 have a second on the proposed resolution?</p> <p>2 MS. FORSBERG: Second.</p> <p>3 THE CHAIRMAN: Second by Ms. Forsberg.</p> <p>4 Mr. Haynes, you heard the one condition, I</p> <p>5 assume it's all acceptable and understood?</p> <p>6 MR. HAYNES: Correct, acceptable and</p> <p>7 understood.</p> <p>8 THE CHAIRMAN: I'll move to vote on a</p> <p>9 resolution. All in favor, please indicate by saying</p> <p>10 aye.</p> <p>11 (A chorus of ayes.)</p> <p>12 THE CHAIRMAN: Oppose, nay.</p> <p>13 That passes unanimously.</p> <p>14 Thank you very much.</p> <p>15 MR. HAYNES: Thank you. Good night.</p> <p>16 THE CHAIRMAN: Okay, now we're going to move</p> <p>17 back to Item number 6, which we started before and</p> <p>18 held over for later in the meeting. It is a site plan</p> <p>19 review and special use permit application for a</p> <p>20 proposed convenient store and gas station at Block</p> <p>21 3039, Lot 22.23 on the property known as 1055, also</p> <p>22 known as 1061 Nepperhan Avenue pursuant to Article VII</p> <p>23 and IX of the Yonkers Zoning Ordinance.</p> <p>24 Mr. Gibbons is here as a representative for</p> <p>25 the proposal.</p> <p>DIAMOND REPORTING 718-624-7200</p>

<p style="text-align: right;">61</p> <p>1 We are now going into the public hearing</p> <p>2 portion of this item. Let the record reflect that it</p> <p>3 is now 7:05, or 7:04 p.m. Is there anyone on this</p> <p>4 call, on this Zoom meeting, who wants to speak on this</p> <p>5 item, comments, questions? Please unmute yourself</p> <p>6 first and then present your question or comment.</p> <p>7 (No response.)</p> <p>8 THE CHAIRMAN: Okay, let the record reflect</p> <p>9 that there was no person that was volunteering to</p> <p>10 question or take part in the discussion on this</p> <p>11 matter. I will entertain a motion to -- Well, first</p> <p>12 of all, are we good with the public hearing,</p> <p>13 Christine, notices, everything done?</p> <p>14 MS. CARNEY: Yes, Mr. Chairman, all the</p> <p>15 notices have been done. If you could, Deputy</p> <p>16 Commissioner Eilman has asked that we keep the public</p> <p>17 hearing open for this evening just in case anybody</p> <p>18 comes up with anything, and then we'll close it in</p> <p>19 February.</p> <p>20 THE CHAIRMAN: Okay, we're coming back in</p> <p>21 February anyhow, so let's just do that.</p> <p>22 MR. KUNTZ: Mr. Chairman.</p> <p>23 THE CHAIRMAN: Yes.</p> <p>24 MR. KUNTZ: I'm just going to let everyone</p> <p>25 know that is on a phone, if they want to unmute</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">63</p> <p>1 known as 41 Buena Vista Avenue, 20 Pallsade Avenue, 7</p> <p>2 Overlook Terrace, 15 Overlook Terrace, 23 Overlook</p> <p>3 Terrace, 12 and 14 Overlook Terrace, 14 North</p> <p>4 Broadway, Part, 18 North Broadway, 52 North Broadway,</p> <p>5 2 Baldwin Place, and 10 Baldwin Place;</p> <p>6 Mr. Mark Weingarten is here for the proposal</p> <p>7 as are members of the BFJ, that's Sarah Yackel, I</p> <p>8 believe is here, our consultants. And, Lee. I</p> <p>9 believe both you and Ms. Yackel will be giving a</p> <p>10 presentation; is that correct?</p> <p>11 MR. ELLMAN: As well as Mr. Fish is here,</p> <p>12 also, Frank Fish, yes.</p> <p>13 THE CHAIRMAN: Frank Fish, also. Welcome.</p> <p>14 MR. ELLMAN: Mark, if you don't mind, I</p> <p>15 think I would like to start with Sarah and Frank just</p> <p>16 to bring us up to where we are with scoping.</p> <p>17 MR. WEINGARTEN: No objection.</p> <p>18 MR. ELLMAN: Thank you.</p> <p>19 So, the Board opened scoping at its November</p> <p>20 meeting, we had a scoping session two weeks later, and</p> <p>21 had a close of comments December 21st.</p> <p>22 We have at this time 114 comments. And we</p> <p>23 did continue accepting comments beyond the hard, the</p> <p>24 not so hard, deadline, frankly. Councilwoman Williams</p> <p>25 held a community meeting that happened to occur after</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>
<p style="text-align: right;">62</p> <p>1 themselves, they have to hit star six.</p> <p>2 THE CHAIRMAN: Okay. So, once again, if</p> <p>3 you're here on this item, that's item number 6, which</p> <p>4 is the 1055, also known as 1061, Nepperhan Avenue, and</p> <p>5 you would like to speak, please hit your star six on</p> <p>6 your phone if you're calling in.</p> <p>7 (No response.)</p> <p>8 THE CHAIRMAN: Okay, still no one. We're</p> <p>9 going to hold this open until we meet again next</p> <p>10 month.</p> <p>11 Mr. Gibbons, I thank you very much for</p> <p>12 waiting.</p> <p>13 MR. GIBBONS: Thank you, Mr. Chairman, I</p> <p>14 appreciate it.</p> <p>15 THE CHAIRMAN: Okay, we're closing item</p> <p>16 number 6.</p> <p>17 Moving to item 14, which is the AMS downtown</p> <p>18 zoning petition referral from the Yonkers City Council</p> <p>19 for amendments to the Zoning Map and Zoning Ordinance</p> <p>20 affecting the real properties commonly known as the</p> <p>21 Teutonia Hall site, the Chicken Island site, and the</p> <p>22 North Broadway site as designated on the Tax Map of</p> <p>23 the City of Yonkers as Block 512, Lot 11, Block 485,</p> <p>24 Lot 1, Block 2018, Lots 8, 12, 16, 18, 20, 25, 48</p> <p>25 (Part), 51, 56, 57, 68, 71 and 75 on the properties</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">64</p> <p>1 the close of the comments. We accepted the comments</p> <p>2 that came in as a part of that meeting, and the</p> <p>3 Mayor's Green City Advisory Committee also just</p> <p>4 recently made comments.</p> <p>5 Our sense is that we are better to have the</p> <p>6 comments and to accept them than to be in any way</p> <p>7 doctrinaire. We have gotten some interesting and,</p> <p>8 frankly, useful perspective on the, on what needs to</p> <p>9 be looked at with the downtown rezoning EIS. And,</p> <p>10 ultimately, my goal for the City with this EIS is to</p> <p>11 come to the end of the EIS with everyone involved as</p> <p>12 satisfied as they possibly can be that their comments</p> <p>13 were taken into account, and that we can have no rush</p> <p>14 of issues that show up at the last moment. So, I'd</p> <p>15 rather take a little bit more time at the beginning so</p> <p>16 that we we don't have a kind of crazy rush at the end.</p> <p>17 We are at the point where we have been, the</p> <p>18 comments that we have received from the public and</p> <p>19 from other agencies to the applicant's planning</p> <p>20 consultant, AKRF, Nina Peek is handling that for them.</p> <p>21 We have gotten back a second draft scope, which we are</p> <p>22 also going over. In fact, we will have a meeting with</p> <p>23 both teams tomorrow.</p> <p>24 As we are finalizing the table of contents,</p> <p>25 the other work of completing the, or starting to work</p> <p style="text-align: center;">DIAMOND REPORTING 718-624-7200</p>

<p style="text-align: right;">17</p> <p>1 truck turning, which, also, Jim, I don't see a --</p> <p>2 there is a turning template.</p> <p>3 MR. KUNTZ: Jim, you're muted.</p> <p>4 MR. GIBBONS: I'm sorry, I'm here.</p> <p>5 MR. ELLMAN: You have the turning template</p> <p>6 which shows that all of the, or two of the cars need</p> <p>7 to not be there when the fuel truck comes in, but the</p> <p>8 bigger issue for me is will it be able to deliver fuel</p> <p>9 without being on the sidewalk? Because you're pumps,</p> <p>10 I'm sorry, not your pumps, your tanks are fairly close</p> <p>11 to the sidewalk, aren't they?</p> <p>12 MR. GIBBONS: Yes, they are.</p> <p>13 MR. ELLMAN: And are those going to be moved</p> <p>14 farther back than they are today?</p> <p>15 MR. GIBBONS: We were going to use the</p> <p>16 approximate same location to excavate. We can do some</p> <p>17 excavation and --</p> <p>18 (Noise Interruption.)</p> <p>19 MR. GIBBONS: So we would put the tanks the</p> <p>20 same place as where they are now, and it also gives us</p> <p>21 an opportunity to investigate and make sure that area</p> <p>22 is clean, as well, but we don't want to push them back</p> <p>23 or relocate the tanks to another area if at all</p> <p>24 possible.</p> <p>25 THE CHAIRMAN: I'm just looking at the plans</p> <p style="text-align: right;">DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">19</p> <p>1 Now, that is all overgrown and not cared for. So,</p> <p>2 maybe if they put some arborvitae, something that</p> <p>3 doesn't require a lot of work, it would be green and</p> <p>4 it would be a little bit more attractive.</p> <p>5 THE CHAIRMAN: All right, that's a good</p> <p>6 suggestion.</p> <p>7 MR. GIBBONS: I think that would be</p> <p>8 something we easily could do, I would be glad to</p> <p>9 develop that on the retaining wall side near Lewis</p> <p>10 Street.</p> <p>11 MRS. LANDI: Yes.</p> <p>12 THE CHAIRMAN: Correct.</p> <p>13 MR. GIBBONS: That makes a lot of sense to</p> <p>14 me, as well.</p> <p>15 MRS. LANDI: Thank you.</p> <p>16 MR. GIBBONS: We'll also detail the fence on</p> <p>17 the north side so we have a pretty good view of that,</p> <p>18 and do an elevation view of the fence, as well. And</p> <p>19 we'll take a close look if there's any other</p> <p>20 opportunity to do something else to beautify the place</p> <p>21 a little bit.</p> <p>22 MRS. LANDI: Thank you.</p> <p>23 THE CHAIRMAN: I think that's what we're</p> <p>24 looking for. And then as far as the issues about the</p> <p>25 internal circulation, you know, and the tanker, I</p> <p style="text-align: right;">DIAMOND REPORTING 718-624-7200</p>
<p style="text-align: right;">18</p> <p>1 again. Well, the facts are as they are. I mean, we</p> <p>2 can't have the tanker on the sidewalk during the</p> <p>3 filling process. How that's handled on your side is</p> <p>4 going to be up to you, Mr. Gibbons.</p> <p>5 Also, as far as the landscaping is</p> <p>6 concerned, I would just say to do the best with what</p> <p>7 you have there. I don't see an elaborate plan that we</p> <p>8 would want to have, to be necessary, but something</p> <p>9 more than what we have would be nice.</p> <p>10 Mrs. Landi, do you have a idea of what</p> <p>11 you're looking for as far as how extensive the</p> <p>12 landscaping addition you would be looking for?</p> <p>13 MR. KUNTZ: Adelia, you're going to have to</p> <p>14 unmute yourself.</p> <p>15 MRS. LANDI: Yes.</p> <p>16 THE CHAIRMAN: Do you have in mind</p> <p>17 something, or are you just looking for something for</p> <p>18 the applicant to propose as far as what can be done</p> <p>19 with the landscaping on either side?</p> <p>20 MRS. LANDI: Well, facing the property on</p> <p>21 the right, I know that's pretty hard to do anything,</p> <p>22 but there's kind of a little bit of a retaining wall</p> <p>23 on the left.</p> <p>24 THE CHAIRMAN: Correct.</p> <p>25 MRS. LANDI: And some property that goes up.</p> <p style="text-align: right;">DIAMOND REPORTING 718-624-7200</p>	<p style="text-align: right;">20</p> <p>1 think you'll need to work specifically with the</p> <p>2 Traffic and Engineering and with Lee to see what would</p> <p>3 work best for that location.</p> <p>4 MR. GIBBONS: Okay.</p> <p>5 THE CHAIRMAN: But it is a concern of ours</p> <p>6 that we're looking to have you address.</p> <p>7 MR. GIBBONS: All right. I will reach out</p> <p>8 to Commissioner Ellman and to the Traffic Engineer and</p> <p>9 see what makes the most sense.</p> <p>10 THE CHAIRMAN: All right, thank you, Mr.</p> <p>11 Gibbons.</p> <p>12 Other members of the Board, any questions?</p> <p>13 MS. FORSBERG: I have a question about the</p> <p>14 soil disturbance to make room for the underground</p> <p>15 storage tank replacement. What kind of environmental</p> <p>16 testing is associated with the soil disturbance for</p> <p>17 this project?</p> <p>18 MR. GIBBONS: I'm not an expert on it, but</p> <p>19 some of the things that would be required, certainly</p> <p>20 when the tanks are removed and the excavation takes</p> <p>21 place, if there's any hint of contamination, the soil</p> <p>22 has to be sampled, it has to be sent to a lab and</p> <p>23 properly analyzed to see what's there. And,</p> <p>24 essentially, if there's any contamination at all,</p> <p>25 custom and practice is to completely remove all</p> <p style="text-align: right;">DIAMOND REPORTING 718-624-7200</p>

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STATE OF NEW YORK  
COUNTY OF WESTCHESTER

I, CATHERINE ARMENTANO, Notary Public within and  
for the State of New York, do hereby certify that the  
within is a true and accurate transcript of the virtual  
proceedings taken on January 13, 2021

I further certify that I am not related to any  
of the parties to this action by blood or marriage and  
that I am in no way interested in the outcome of this  
matter.

Dated, New York,

\_\_\_\_\_  
CATHERINE ARMENTANO

DIAMOND REPORTING 718-624-7200

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

16. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

RESOLUTION – ASSIGNMENT OF AIM FUNDS WITHHELD BY THE STATE DURING THE CITY’S 2019-2020 FISCAL YEAR FOR USE BY THE CITY IN ITS OPERATING BUDGET FOR THE CITY’S 2021-2022 FISCAL YEAR

**Recitals**

WHEREAS, due to the COVID-19 pandemic, the State of New York withheld \$21,643,096 in Aid and Incentives to Municipalities Aid (AIM) due to the City of Yonkers, in the County of Westchester, New York, during the City’s 2019-2020 fiscal year;

WHEREAS, following the enactment of certain stimulus measures by the Federal government, the State paid all of the withheld AIM funds (\$21,643,096) to the City, and

WHEREAS, pursuant to Section 7(a)(2) of the Special Local Finance and Budget Act of the City of Yonkers, constituting Chapters 488 and 489 of the Laws of 1976 of the State (the “Act”), State or federal aid received by the City within six (6) months of the commencement of a budget year may be budgeted as a revenue for such operating budget year by the City;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF YONKERS HEREBY RESOLVES AS FOLLOWS:

Section 1. Pursuant to Section 7(a)(2) of the Act and recent guidance received from the Division of Budget of the State, the \$21,643,096 AIM funds described in the recitals hereto shall be budgeted as State aid by the City in its operating budget for the City’s 2021-2022 fiscal year and is hereby assigned for such use by the City in its operating budget for the City’s 2021-2022 fiscal year.

Section 2. The Commissioner of Finance is hereby authorized to take any and all actions necessary in furtherance of this resolution.

Section 3. That this resolution shall take effect immediately.

**INTRODUCER'S MEMORANDUM  
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

**TITLE OF BILL:** Resolution – Assignment of AIM funds withheld by the State during the City's 2019-2020 fiscal year for use by the City in its operating budget for the City's 2021-2022 fiscal year.

**PURPOSE:** Approval related to NYS Aim funds.

**SUMMARY OF SPECIFIC PROVISIONS:** Same as above.

**JUSTIFICATION:** Required by NYS for use of the funds.

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** N/A.

**CRIMINAL SANCTION IMPACT:** N/A

**LEGISLATIVE HISTORY:** N/A

**SEQRA:** No further review required.

**FISCAL IMPLICATIONS:** Positive

**EFFECTIVE DATE:** Immediate.

**SUBJECT:** Resolution – Assignment of AIM funds withheld by the State during the City's 2019-2020 fiscal year for use by the City in its operating budget for the City's 2021-2022 fiscal year.

☒ **POSITIVE FISCAL IMPACT PROJECTED**

**BUDGET IMPACT**

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

**B) EXPENSES AND REVENUES**

*Total Current Year Cost:* \_\_\_\_\_

*Total Current Year Revenue:* \_\_\_\_\_

*Source of Funds (Check one):* ☐ Current Appropriations ☐ Additional Appropriations ☐ Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain)

*Identify Accounts:* \_\_\_\_\_

Potential Related Operating Budget Expenses: Annual Amount: \$ \_\_\_\_\_  
Describe: \_\_\_\_\_

Potential Related Revenues: Annual Amount: \$ \_\_\_\_\_  
Current Year: \_\_\_\_\_  
Next 5 years: \_\_\_\_\_

Anticipated Savings: Annual Amount: \$ \_\_\_\_\_  
Current Year: \_\_\_\_\_  
Next 5 years: \_\_\_\_\_

**C) FISCAL IMPACT**

Potential for additional personnel: \_\_\_\_\_

Prepared By: Bond Counsel

Title: Hawkins, Delafield & Wood

Reviewed By: John Liszewski, Commissioner

Signature: /s/ John Liszewski, 4/26/2021



**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

17. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

A RESOLUTION OF THE CITY COUNCIL OF YONKERS  
REQUESTING THE INTRODUCTION OF CERTAIN  
LEGISLATION TO PROVIDE FOR THE ADDITION OF CREDIT  
TO THE CIVIL SERVICE EXAMS OF CERTAIN MEMBERS OF  
THE YONKERS POLICE AND FIRE DEPARTMENTS

WHEREAS, the City Council of the City of Yonkers hereby requests that the New York State Legislature introduce legislation to provide for the addition of four (4) points on the civil service examination scores received by new candidates for the positions of Police Officer and Firefighter that have graduated from the public schools of the City of Yonkers; and

WHEREAS, these candidates are life-long residents of the City, have received their education in the City, and are familiar with the City and its people, and will undoubtedly have a strong commitment to the City and will provide better service to the City and its residents for this reason; and

WHEREAS, such a connection between the school system and both the Police and Fire Departments may also help to strengthen the connection among students, faculty, and the Police and Fire Departments, and will help make the City of Yonkers a place where students will be proud to both live and work; and

WHEREAS, the investments made by these candidates in their education in the City of Yonkers should be further appreciated and acknowledged;

NOW, THEREFORE, BE IT RESOLVED, that once such legislation is introduced, that the City of Yonkers will submit a home rule message, which is required in order to pass this bill; and

BE IT FURTHER RESOLVED, that copies of this Resolution be certified and sent by the City Clerk of the City of Yonkers to the New York State Legislature.

**SPONSOR'S MEMORANDUM**

**SPONSOR:** COUNCILMEMBER WILLIAMS

**TITLE OF BILL:** A RESOLUTION OF THE CITY COUNCIL OF YONKERS REQUESTING THE INTRODUCTION OF CERTAIN LEGISLATION TO PROVIDE FOR THE ADDITION OF CREDIT TO THE CIVIL SERVICE EXAMS OF CERTAIN MEMBERS OF THE YONKERS POLICE AND FIRE DEPARTMENTS

**PURPOSE:** To request the New York State Legislature to provide additional points on the civil service examination scores received by new candidates for positions of Police Officer and Firefighter in the City of Yonkers, who have graduated from public schools in the City of Yonkers.

**SUMMARY OF SPECIFIC PROVISIONS:** All provisions that relate to requesting New York State Legislature to add additional points to civil service examination scores for Yonkers public school graduates.

**JUSTIFICATION:** To request the New York State Legislature to provide additional points on the civil service examination scores received by new candidates for positions of Police Officer and Firefighter in the City of Yonkers, who have graduated from public schools in the City of Yonkers.

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** N/A.

**CRIMINAL SANCTION IMPACT:** N/A.

**LEGISLATIVE HISTORY:** N/A.

**FISCAL IMPLICATIONS:** Neutral

**EFFECTIVE DATE:** This act shall take effect IMMEDIATELY

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF YONKERS  
REQUESTING THE INTRODUCTION OF CERTAIN LEGISLATION TO  
PROVIDE FOR THE ADDITION OF CREDIT TO THE CIVIL SERVICE EXAMS  
OF CERTAIN MEMBERS OF THE YONKERS POLICE AND FIRE  
DEPARTMENTS**

☒ NO FISCAL IMPACT PROJECTED

**BUDGET IMPACT**

(Completed by operating department and reviewed by Finance Department or Council Staff)

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

**B) EXPENSES AND REVENUES**

Total Current Year Cost: \_\_\_\_\_

Total Current Year Revenue: \_\_\_\_\_

Source of Funds (Check one): ☐ Current Appropriations ☐ Additional Appropriations

☐ Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain)

Identify Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses: Annual Amount: \$ \_\_\_\_\_

Describe: \_\_\_\_\_

Potential Related Revenues: Annual Amount: \$ \_\_\_\_\_

Current Year: \_\_\_\_\_

Next 5 years: \_\_\_\_\_

Anticipated Savings: Annual Amount: \$ \_\_\_\_\_

Current Year: \_\_\_\_\_

Next 5 years: \_\_\_\_\_

**C) FISCAL IMPACT**

Potential for additional personnel: \_\_\_\_\_

Prepared By: Hon. Williams

Title: Councilmember

Department: City Council

Signature: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

FINANCE DEPARTMENT

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*If you need more space, attach additional sheets.*

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

18. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

A RESOLUTION OF THE CITY COUNCIL OF YONKERS DECLARING THE MONTH OF APRIL 2021 AS "SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH" IN THE CITY OF YONKERS

WHEREAS, the City Council is committed to the awareness, prevention, and deterrence of sexual violence affecting individuals in the City of Yonkers; and

WHEREAS, according to the Department of Justice and the Department of Health and Human Services, an estimated 400,000 individuals, including victims under 18 years of age, in the United States experienced sexual violence during 2017;

WHEREAS, according to the National Crime Victimization Survey, between 2007 and 2017, approximately 3,018,600 women were victims of rape and sexual assault, and 453,200 men were victims of rape and sexual assault; and

WHEREAS, according to the 2017 Child Maltreatment Report of the Department of Health and Human Services, in 2017, child protective services agencies substantiated 58,114 cases of sexual abuse of children under 18 years of age; AND

WHEREAS, in 2018, the Department of Justice reported 9,100 State and local arrests of individuals charged with online sexual victimization of children under 18 years of age; and

WHEREAS, according to the Rape, Abuse & Incest National Network (commonly known as "RAINN"), an individual is sexually assaulted every 92 seconds in the United States; and

WHEREAS, for every 1,000 rapes committed in the United States, on average: only 330 rapes are reported to law enforcement agencies (33%); 59 reported rape cases lead to an arrest; 10 rape cases are referred for prosecution; 6 rape cases lead to a felony conviction; and 5 convicted rapists are sentenced to some form of incarceration; and

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION (CONTINUED)**

WHEREAS, according to the CDC, more than 1/2 of all female rape victims reported being raped by an intimate partner; and

WHEREAS, sexual assault does not discriminate on any basis and can affect any individual in the United States; and

WHEREAS, sexual violence may take many forms, including acquaintance, stranger, spousal, and gang rape, incest, child sexual abuse, child sexual exploitation, elder sexual abuse, sexual abuse and exploitation of disabled persons, commercial sex trafficking, sexual harassment, and stalking; and

WHEREAS, according to the National Alliance to End Sexual Violence, in addition to immediate physical and emotional costs, sexual assault can have numerous adverse consequences for the victim, which may include post-traumatic stress disorder, substance abuse, major depression, homelessness, eating disorders, and suicide; and

WHEREAS, sexual assault survivors suffer emotional complications long after their physical scars have healed; and

WHEREAS, advances in DNA technology have enabled law enforcement agencies to identify and prosecute the perpetrators in tens of thousands of previously unsolved sexual assault cases; and

WHEREAS, incarceration of sexual assault perpetrators can prevent perpetrators from committing additional crimes; and

WHEREAS, national, State, territorial, and Tribal coalitions, community-based rape crisis centers, and other organizations across the United States are committed to increasing public awareness of sexual violence and the prevalence of sexual violence, and eliminating sexual violence through prevention and education; and

WHEREAS, important partnerships have been formed among criminal and juvenile justice agencies, health professionals, public health workers, educators, first responders, and victim service providers; and

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION (CONTINUED)**

WHEREAS, free, confidential help is available to all victims and survivors of sexual assault through: (1) the National Sexual Assault Hotline, by telephone at 800-656-HOPE and online at <https://hotline.rainn.org>; and (2) more than 1,000 sexual assault service providers across the United States;

WHEREAS, the victim service programs of RAINN, including the National Sexual Assault Hotline, in 2018, helped 267,621 survivors of sexual assault and their loved ones, which represented the greatest, number of people assisted since the founding of the hotline in 1994; and continue to receive a record number of requests for support; and

WHEREAS, the Department of Defense provides the Safe Helpline hotline, Safe Help Room online chat service, and Safe Helpline mobile application, each of which offer support and help to members of the Department of Defense community— by telephone (877-995-5247) and online (<https://safehelpline.org>); and

WHEREAS, the New York State Department of Health's Sexual Violence Prevention Program also aims to improve societal response to sexual violence and promote primary prevention strategies that reduce the incidence of victimization from rape or sexual assault in New York State; and

WHEREAS, the New York State Domestic & Sexual Violence Hotline (1-800-942-6906) is available for confidential assistance; and

WHEREAS, in Westchester County, there are three Rape Crisis Programs available:

- (1) Westchester Community Opportunity Program, Inc. - Victims Assistance Services. Located at 2 Westchester Plaza, Elmsford, 10523. Phone number (914)-345-3113; Hotline (855) 827-2255.
- (2) Westchester Putnam Northern Westchester Women's Resource Center. Located at 935 South Lake Blvd Suite #2, Mahopac 10541. Phone number (845) 628-9284; Hotline (845) 628-2166.
- (3) Westchester Medical Center Sexual Assault, Abuse and Victims Assistance Program. Located at 100 Woods Road, Valhalla 10595. Phone number (914) 493-3650; Hotline (833) 220-2444.

NOW, THEREFORE, BE IT RESOLVED, that this Legislative Body pause hereby proclaims the month of April 2021 as Sexual Assault Awareness and Prevention Month in the City of Yonkers.

## **SPONSOR'S MEMORANDUM**

**SPONSOR:** COUNCILMEMBER WILLIAMS

**TITLE OF BILL:** A RESOLUTION OF THE CITY COUNCIL OF YONKERS DECLARING THE MONTH OF APRIL 2021 AS "SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH" IN THE CITY OF YONKERS

**PURPOSE:** TO DECLARE THE MONTH OF APRIL 2021 AS "SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH" IN THE CITY OF YONKERS

**SUMMARY OF SPECIFIC PROVISIONS:** All re: declaration of Sexual Assault Awareness & Prevention Month.

**JUSTIFICATION:** A RESOLUTION OF THE CITY COUNCIL OF YONKERS DECLARING THE MONTH OF APRIL 2021 AS "SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH" IN THE CITY OF YONKERS

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** N/A.

**CRIMINAL SANCTION IMPACT:** N/A.

**LEGISLATIVE HISTORY:** N/A.

**FISCAL IMPLICATIONS:** Neutral

**EFFECTIVE DATE:** This act shall take effect IMMEDIATELY

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF YONKERS DECLARING THE MONTH OF APRIL 2021 AS "SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH" IN THE CITY OF YONKERS**

☒ NO FISCAL IMPACT PROJECTED

**BUDGET IMPACT**

(Completed by operating department and reviewed by Finance Department or Council Staff)

D) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

**E) EXPENSES AND REVENUES**

Total Current Year Cost: \_\_\_\_\_

Total Current Year Revenue: \_\_\_\_\_

Source of Funds (Check one): ☐ Current Appropriations ☐ Additional Appropriations ☐ Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain)

Identify Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses: Annual Amount: \$ \_\_\_\_\_

Describe: \_\_\_\_\_

Potential Related Revenues: Annual Amount: \$ \_\_\_\_\_

Current Year: \_\_\_\_\_

Next 5 years: \_\_\_\_\_

Anticipated Savings: Annual Amount: \$ \_\_\_\_\_

Current Year: \_\_\_\_\_

Next 5 years: \_\_\_\_\_

**F) FISCAL IMPACT**

Potential for additional personnel: \_\_\_\_\_

Prepared By: Hon. Williams

Title: Councilmember

Department: City Council

Reviewed By: \_\_\_\_\_  
FINANCE DEPARTMENT

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*If you need more space, attach additional sheets.*



**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

19. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

A RESOLUTION OF THE CITY COUNCIL OF YONKERS DECLARING THE MONTH OF APRIL 2021 "AUTISM AWARENESS MONTH" AND DECLARING APRIL 2, 2021 AS "AUTISM AWARENESS DAY"

WHEREAS, Autism Spectrum Disorder (ASD) is a developmental disorder characterized by behavioral and communicational affections that impact a person's ability to navigate social interactions and also causes repetitive and restricted behavior; and

WHEREAS, autism disorders affect all persons regardless of race, religion, socio4 economic status, or geography; and

WHEREAS, in 2020, the Centers for Disease Control and Prevention (CDC) reported that approximately 1 in 54 children in the United States have been identified with ASD; and

WHEREAS, the CDC estimates more than 2.2% of adults in the United States, or over 5.4 million persons, have ASD; and

WHEREAS, the CDC also found that the states with the greatest estimate number of adults living with ASD includes New York, as well as California, Texas, and Florida; and

WHEREAS, it is reported that ASD is more than 4 times more common among boys than among girls; and

WHEREAS, on December 18, 2007, the United Nations General Assembly adopted a resolution declaring World Autism Awareness Day by unanimous consent, encouraging UN Member States to take measures to raise awareness about autism disorders throughout society and to promote early diagnosis and early behavioral intervention; and

WHEREAS, the aims for World Autism Awareness Day are to inform the general public about the global health crisis of autism disorders, to stress the importance of early diagnosis and early intervention, and to celebrate the unique talents and qualities of individuals with autism disorders; and

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION (CONTINUED)**

WHEREAS, autism disorders are lifelong conditions that require support, training, assistance, and advocacy on behalf of those individuals who suffer from such disorders; and

WHEREAS, the City Council grants all those in the City of Yonkers and the State of New York who are advocates for those suffering from autism disorders best wishes as they continue to serve as compassionate, caring individuals to the most vulnerable citizens;

NOW, THEREFORE, BE IT RESOLVED, that this Legislative Body pause hereby proclaims the month of April 2021 as Autism Awareness Month in the City of Yonkers; and

BE IT FURTHER RESOLVED, that this Legislative Body hereby proclaims April 2, 2021 as Autism Awareness Day in the City of Yonkers.

## **SPONSOR'S MEMORANDUM**

**SPONSOR:** COUNCILMEMBER WILLIAMS

**TITLE OF BILL:** A RESOLUTION OF THE CITY COUNCIL OF YONKERS DECLARING THE MONTH OF APRIL 2021 "AUTISM AWARENESS MONTH" AND DECLARING APRIL 2, 2021 AS "AUTISM AWARENESS DAY"

**PURPOSE:** TO DECLARE THE MONTH OF APRIL 2021 "AUTISM AWARENESS MONTH" AND DECLARE APRIL 2, 2021 AS "AUTISM AWARENESS DAY"

**SUMMARY OF SPECIFIC PROVISIONS:** All re: declaration of Autism Awareness Month & Autism Awareness Day (April 2, 2021).

**JUSTIFICATION:** TO DECLARE THE MONTH OF APRIL 2021 "AUTISM AWARENESS MONTH" AND DECLARE APRIL 2, 2021 AS "AUTISM AWARENESS DAY"

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** N/A.

**CRIMINAL SANCTION IMPACT:** N/A.

**LEGISLATIVE HISTORY:** N/A.

**FISCAL IMPLICATIONS:** Neutral

**EFFECTIVE DATE:** This act shall take effect IMMEDIATELY

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF YONKERS  
DECLARING THE MONTH OF APRIL 2021 "AUTISM AWARENESS MONTH"  
AND DECLARING APRIL 2, 2021 AS "AUTISM AWARENESS DAY"**  
☒ NO FISCAL IMPACT PROJECTED

**BUDGET IMPACT**

(Completed by operating department and reviewed by Finance Department or Council Staff)

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

**B) EXPENSES AND REVENUES**

Total Current Year Cost: \_\_\_\_\_

Total Current Year Revenue: \_\_\_\_\_

Source of Funds (Check one): ☐ Current Appropriations ☐ Additional Appropriations

☐ Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain)

Identify Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses: Annual Amount: \$ \_\_\_\_\_

Describe: \_\_\_\_\_

Potential Related Revenues: Annual Amount: \$ \_\_\_\_\_

Current Year: \_\_\_\_\_

Next 5 years: \_\_\_\_\_

Anticipated Savings: Annual Amount: \$ \_\_\_\_\_

Current Year: \_\_\_\_\_

Next 5 years: \_\_\_\_\_

**C) FISCAL IMPACT**

Potential for additional personnel: \_\_\_\_\_

Prepared By: Hon. Williams

Title: Councilmember

Department: City Council

Signature: \_\_\_\_\_

Reviewed By: \_\_\_\_\_  
FINANCE DEPARTMENT

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*If you need more space, attach additional sheets.*

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

20. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

RESOLUTION OF THE CITY COUNCIL OF YONKERS DECLARING  
THE MONTH OF MAY 2021 "MENTAL HEALTH AWARENESS MONTH"

WHEREAS, the mental health and well-being of people in the City of Yonkers is a vital issue that affects not only the quality of life, but also the health of communities, families, and economic stability; and

WHEREAS, approximately one in five adults in the nation (51.5 million persons in 2019), experience a diagnosable mental health condition such as depression, anxiety, bipolar disorder, schizophrenia, or post-traumatic stress disorder in a given year; and

WHEREAS, approximately one in 20 adults in the nation (13.1 million persons in 2019) experience a serious mental illness that dramatically affects the person's ability to perform major life activities; and

WHEREAS, persons with serious mental illness face an increased risk of having chronic medical conditions and, on average, die 25 years earlier than others, due largely to treatable medical conditions; and

WHEREAS, an estimated 26% of homeless adults in the nation who stay in shelters live with serious mental illness, and a little more than 50% of adults who experience a substance use disorder also have a co-occurring mental illness; and

WHEREAS, approximately one in five youths 13 to 18 years of age experience a severe mental disorder at some point in their life and, for children eight to 15 years of age, the estimate is that 13% will experience a severe mental disorder; and

WHEREAS, the prevalence of serious mental illness is reported to be higher among woman than men; and

WHEREAS, the prevalence of serious mental illness is also reported highest among adults reporting two or more races; and

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION (CONTINUED)**

WHEREAS, mental illnesses, such as depression, are the third most common cause of hospitalization in the nation for persons 18 to 44 years of age; and

WHEREAS, despite the widespread existence of mental illness there is nonetheless a stigma attached to the illness; and

WHEREAS, treatment can be effective and recovery possible for mental illness, yet millions of Americans still do not receive the mental health care they need, with only 41% of adults in the nation with a mental health condition and just over half of children eight to 15 years of age receiving needed mental health services; and

WHEREAS, in 2019, 43.8% of U.S. adults with mental illness received treatment, 65.5% of adults with serious mental illness received treatment, indicating that many people struggling with mental illness are not receiving treatment; and

WHEREAS, it is especially important to recognize the importance of mental health during these difficult times brought by COVID-19; and

WHEREAS, the COVID-19 pandemic and economic downturn has negatively affected many people's mental health and created new barriers for those already suffering with mental illness, mental health conditions, and those with other existing chronic diseases; and

WHEREAS, the month of May has been Mental Health Awareness Month in the nation since 1949, and raising this awareness in the City of Yonkers will help to remove the stigma, fear, and misunderstanding about mental illness and thereby encourage treatment by ensuring that those persons in the City of Yonkers who confront mental health issues know that they are not alone, that seeking mental health treatment is not a sign of weakness but a sign of strength, and that by seeking treatment they can recover and live long, healthier lives;

WHEREAS, The National Alliance on Mental Health (NAMI) will continue to amplify the message of "You Are Not Alone" in 2021, using this time to focus on the healing value of connecting in safe ways, prioritizing mental health and acknowledging that it's okay to not be okay through NAMI's blog, personal stories, videos, digital toolkits, social media engagements and national events;

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION (CONTINUED)**

NOW IT BE RESOLVED, that this Legislative Body pause in its deliberations to recognize May 2021 as Mental Health Awareness Month in the City of Yonkers, to acknowledge the importance of mental health, and to shine a light on the difficulties spurred by the ongoing COVID-19 pandemic and its impact on mental health.

## **SPONSOR'S MEMORANDUM**

**SPONSOR:** MAJORITY LEADER PINEDA-ISAAC, COUNCIL PRESIDENT KHADER, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, RUBBO, DIAZ AND MERANTE

**TITLE OF BILL:** RESOLUTION OF THE CITY COUNCIL OF YONKERS DECLARING THE MONTH OF MAY 2021 "MENTAL HEALTH AWARENESS MONTH"

**PURPOSE:** To declare the month of May 2021 Mental Health Awareness Month

**SUMMARY OF SPECIFIC PROVISIONS:** all re: declaration of Mental Health Awareness Month.

**JUSTIFICATION:** to recognize the importance of mental health, especially in these times brought about by the COVID-19 pandemic.

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** N/A

**CRIMINAL SANCTION IMPACT:** None

**LEGISLATIVE HISTORY:** N/A

**FISCAL IMPLICATIONS:** Neutral

**EFFECTIVE DATE:** This resolution shall take effect immediately.



**FISCAL IMPACT STATEMENT**  
**SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

**SUBJECT:** RESOLUTION OF THE CITY COUNCIL OF YONKERS DECLARING THE MONTH OF MAY 2021 "MENTAL HEALTH AWARENESS MONTH"

■ NO FISCAL IMPACT PROJECTED

**BUDGET IMPACT**

(Completed by operating department and reviewed by Finance Department or Council Staff)

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

**B) EXPENSES AND REVENUES**

Total Current Year Cost: \_\_\_\_\_

Total Current Year Revenue: \_\_\_\_\_

Source of Funds (Check one): ☐ Current Appropriations ☐ Additional Appropriations ☐ Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain) Identify

Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses: Annual

Amount: \$ \_\_\_\_\_

Describe: \_\_\_\_\_

Potential Related Revenues: Annual

Amount: \$ \_\_\_\_\_

Current Year: \_\_\_\_\_

Next 5 years: \_\_\_\_\_

Anticipated Savings: Annual

Amount: \$ \_\_\_\_\_

Current Year: \_\_\_\_\_

Next 5 years: \_\_\_\_\_

**C) FISCAL IMPACT**

Potential for additional personnel: \_\_\_\_\_

Prepared By: \_\_\_\_\_

Title: \_\_\_\_\_

Department: \_\_\_\_\_

Signature: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

FINANCE DEPARTMENT

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*If you need more space, attach additional sheets.*

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

21. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

RESOLUTION OF THE CITY COUNCIL OF YONKERS DECLARING  
THE MONTH OF MAY 2021 "ALS AWARENESS MONTH"

WHEREAS, amyotrophic lateral sclerosis, or ALS, and known by many as Lou Gehrig's disease, is a progressive fatal neurodegenerative disease that attacks nerve cells in the brain and spinal cord; making even the simplest movements – walking, speaking, gesturing – nearly impossible; and

WHEREAS, approximately 30,000 individuals in the United States are afflicted with ALS at any given time, with more than 6,000 new cases appearing each year; and

WHEREAS, approximately 15 new cases of ALS are diagnosed every day, with a person losing their battle with the disease every 90 minutes; and

WHEREAS, the average life expectancy of a person with ALS is two to five years from the time of diagnosis; and

WHEREAS, ALS strikes people regardless of race, sex, age, or ethnicity; and

WHEREAS, finding the causes of, and cure for, ALS will prevent the disease from robbing hundreds of thousands of Americans of their dignity and lives; and

WHEREAS, aggressive treatments of the symptoms of ALS can extend the lives of those living with the disease; and

WHEREAS, Patrick Quinn, a native and resident of the City of Yonkers who was diagnosed with ALS in 2013, co-founded the famous ALS Ice Bucket Challenge with his friend and fellow ALS campaigner Pete Frates; and

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION (CONTINUED)**

WHEREAS, the ALS Ice Bucket Challenge was a tremendous event that raised \$115 million in the summer of 2014 that brought awareness to the devastating disease and helped spur a large increase to the ALS Association's budget to conduct important and impactful research; and

WHEREAS, on December 9, 2019, Pete Frates unfortunately passed away from the disease at the age of 34; and

WHEREAS, on November 22, 2020, Patrick Quinn also unfortunately passed away at the age of 37; and

WHEREAS, their legacy will live on in the hearts of the ALS community, and their tireless work to advance research will never be forgotten so that one day, we can create a world without ALS; and

WHEREAS, Patrick Quinn's legacy will forever live on in the City of Yonkers, and his inspiration and courage in his tireless fight with ALS will never be forgotten; and

WHEREAS, raising public awareness of this disease can facilitate the discovery of a cure, and bring much needed attention and dollars for support and services for families in New York State and the City of Yonkers that are dealing with ALS; and

WHEREAS, the month of May has been designated as National Amyotrophic Lateral Sclerosis Awareness Month since 1992, when the United States Senate passed Joint Resolution 174, and has since been observed nationwide year, with events designed to promote research and provide improved support for those coping with the disease and the families who care for them;

NOW IT BE RESOLVED, that this Legislative Body pause in its deliberations to recognize May 2021 as ALS Awareness Month in the City of Yonkers.

## **SPONSOR'S MEMORANDUM**

**SPONSOR:** COUNCILMEMBER RUBBO

**TITLE OF BILL:** RESOLUTION OF THE CITY COUNCIL OF YONKERS DECLARING THE MONTH OF MAY 2021 "ALS AWARENESS MONTH"

**PURPOSE:** To declare the month of May 2021 ALS Awareness Month

**SUMMARY OF SPECIFIC PROVISIONS:** all re: declaration of ALS Awareness Month

**JUSTIFICATION:** to recognize the month of May 2021 as "ALS Awareness Month"

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** N/A

**CRIMINAL SANCTION IMPACT:** None

**LEGISLATIVE HISTORY:** N/A

**FISCAL IMPLICATIONS:** Neutral

**EFFECTIVE DATE:** This resolution shall take effect immediately.

**FISCAL IMPACT STATEMENT**  
**SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

**SUBJECT:** RESOLUTION OF THE CITY COUNCIL OF YONKERS DECLARING THE MONTH OF MAY 2021 "ALS AWARENESS MONTH"

■ NO FISCAL IMPACT PROJECTED

**BUDGET IMPACT**

(Completed by operating department and reviewed by Finance Department or Council Staff)

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

**B) EXPENSES AND REVENUES**

Total Current Year Cost: \_\_\_\_\_

Total Current Year Revenue: \_\_\_\_\_

Source of Funds (Check one): ☐ Current Appropriations ☐ Additional Appropriations ☐ Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain) Identify

Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses: Annual

Amount: \$ \_\_\_\_\_

Describe:

Potential Related Revenues: Annual

Amount: \$ \_\_\_\_\_

Current Year:

Next 5 years:

Anticipated Savings: Annual

Amount: \$ \_\_\_\_\_

Current Year:

Next 5 years:

**C) FISCAL IMPACT**

Potential for additional personnel: \_\_\_\_\_

Prepared By:

Title:

Department:

Signature: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

FINANCE DEPARTMENT

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*If you need more space, attach additional sheets.*

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION**

22. BY COUNCIL PRESIDENT KHADER, MAJORITY LEADER PINEDA-ISAAC, MINORITY LEADER BREEN, COUNCILMEMBERS WILLIAMS, DIAZ, RUBBO AND MERANTE:

RESOLUTION OF THE CITY COUNCIL OF YONKERS OBSERVING  
NATIONAL POLICE WEEK AND DECLARING THE WEEK OF MAY 15<sup>th</sup>  
"YONKERS POLICE WEEK" IN THE CITY OF YONKERS

WHEREAS, on October 1, 1961, Congress asked President John F. Kennedy to designate May 15th to honor peace officers. In 1962, President Kennedy declared Peace Officers Memorial Day to be observed on May 15th and recognized May 15th as National Police Week. In 1994, Bill Clinton made an amendment through Public Law 103-322 that directed the United States flag to be flown at half-staff on May 15th in honor of the day; and

WHEREAS, each year during the week of May 15th, National Police Week recognizes law enforcement officers' contributions throughout the nation; and

WHEREAS, each day, police officers put on their uniforms, not knowing what the days holds, and answer a call to public service that is demanding and often unappreciated; and

WHEREAS, police week is directed at honoring the fallen and supporting survivors and their families, with the week-long national observance includes tributes, vigils, seminars, and other important services; and

WHEREAS, the City Council greatly appreciates each law enforcement officer in and their tireless work and unwavering services provided every day throughout the City of Yonkers; and

WHEREAS, a shining example of the great work of the Yonkers law enforcement officers was recently exhibited at the vigil commemorating the life of Earl Simmons, known by his stage name DMX, at which great respect and a communal fostering of peace was exhibited; and

WHEREAS, Yonkers law enforcement officers also displayed great work and community support at the recent George Floyd peace marches, utilizing de-escalation measures that kept the community safe; and

WHEREAS, although they are at times met with adversity, noncooperation and opposition, Yonkers law enforcement officers have, and continue to show professionalism and steadfast service throughout the City of Yonkers; and

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, MAY 11, 2021**

**RESOLUTION (CONTINUED)**

WHEREAS, individuals can participate in National Police Week by honoring fallen peace officers throughout communities and supporting survivors and their families; and

WHEREAS, due to the COVID-19 pandemic, virtual events will be held for National Police Week, which can be viewed remotely, which can be found online at <https://nleomf.org/programs-events/national-police-week>; and

WHEREAS, other ways you can show your support include: recognizing and supporting the services provided by the Yonkers Police Department and other local police departments; turning on a blue light in support of law enforcement; wearing something blue all week long in support of law enforcement; sharing positive stories about a law enforcement officer you may know; and much more; and

NOW IT BE RESOLVED, that this Legislative Body pause in its deliberations to recognize the week of May 15<sup>th</sup> as National Police Week and to declare the week of May 15<sup>th</sup> as Yonkers Police Week in the City of Yonkers.

## **SPONSOR'S MEMORANDUM**

**SPONSOR:** COUNCILMEMBER DIAZ

**TITLE OF BILL:** RESOLUTION OF THE CITY COUNCIL OF YONKERS OBSERVING NATIONAL POLICE WEEK AND DECLARING THE WEEK OF MAY 15th "YONKERS POLICE WEEK" IN THE CITY OF YONKERS

**PURPOSE:** To observe national police week and declare the week of May 15<sup>th</sup> Yonkers Police Week

**SUMMARY OF SPECIFIC PROVISIONS:** all re: observation of national police week and declaration of Yonkers police week

**JUSTIFICATION:** To observe national police week and declare the week of May 15<sup>th</sup> Yonkers Police Week

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** N/A

**CRIMINAL SANCTION IMPACT:** None

**LEGISLATIVE HISTORY:** N/A

**FISCAL IMPLICATIONS:** Neutral

**EFFECTIVE DATE:** This resolution shall take effect immediately.



**FISCAL IMPACT STATEMENT  
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

**SUBJECT:** RESOLUTION OF THE CITY COUNCIL OF YONKERS OBSERVING  
NATIONAL POLICE WEEK AND DECLARING THE WEEK OF MAY 15th "YONKERS  
POLICE WEEK" IN THE CITY OF YONKERS

■ NO FISCAL IMPACT PROJECTED

**BUDGET IMPACT**

(Completed by operating department and reviewed by Finance Department or Council Staff)

A) ☐ General Fund ☐ Board of Education ☐ Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: \_\_\_\_\_

Total Current Year Revenue: \_\_\_\_\_

Source of Funds (Check one): ☐ Current Appropriations ☐ Additional

Appropriations ☐ Transfer of Existing Appropriations ☐ Fee/Fine/Tax/Other (Explain)  
Identify

Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses: Annual

Amount: \$ \_\_\_\_\_

Describe: \_\_\_\_\_

Potential Related Revenues: Annual

Amount: \$ \_\_\_\_\_

Current Year: \_\_\_\_\_

Next 5 years: \_\_\_\_\_

Anticipated Savings: Annual

Amount: \$ \_\_\_\_\_

Current Year: \_\_\_\_\_

Next 5 years: \_\_\_\_\_

C) FISCAL IMPACT

Potential for additional personnel: \_\_\_\_\_

Prepared By: \_\_\_\_\_

Title: \_\_\_\_\_

Department: \_\_\_\_\_

Signature: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

FINANCE DEPARTMENT

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*If you need more space, attach additional sheets.*

AGENDA  
CITY COUNCIL OF THE CITY OF YONKERS  
STATED MEETING  
TUESDAY, MAY 11, 2021  
COMMITTEE REPORTS